

SAN DIEGO COUNTY
SUBDIVISION ORDINANCE

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS***

CHAPTER 1. GENERAL PROVISIONS AND DEFINITIONS*

*Cross reference(s)--Definitions, § 12.101 et seq.

SEC. 81.101. TITLE.

This division shall be known as the "Subdivision Ordinance" and may be cited as such.

SEC. 81.102. DEFINITIONS.

Words used herein that are defined in the Subdivision Map Act but not specifically defined in this chapter shall have the same meaning as is given to them in said Subdivision Map Act. Whenever the following words are used in this division, they shall have the meaning ascribed to them in this division.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.102.1. [ADJUSTMENT PLAT.]

"ADJUSTMENT PLAT" means a plat prepared pursuant to Chapter 9 of this division and certified by the Director as having been approved pursuant to this division and filed in the office of the Director.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.102.1.2. [ADVISORY AGENCY.]

"ADVISORY AGENCY" shall have the meaning specified in

Section 66415 of the Subdivision Map Act and is designated and empowered as follows:

(a) Major Subdivisions. The Planning Commission is hereby designated as the advisory agency for major subdivisions.

(b) Minor Subdivisions. The Director is hereby designated as the advisory agency for minor subdivisions.

(c) The advisory agency shall have the authority to perform the functions set forth in this Division and to prescribe such rules and regulations as it deems advisable respecting the form and content of maps and matters under its jurisdiction and the information to be filed therewith.

(Added by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 8164 (N.S.), effective 11-20-92; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.102.1.5. [AGRICULTURAL SUBDIVISION.]

"AGRICULTURAL SUBDIVISION" means the division of land located within the boundaries of an Agricultural Preserve established by the Board of Supervisors wherein the owner has entered into a Land Conservation Contract with the County pursuant to the Williamson Act (Gov. Code Section 51200 et. seq). Lots in an agricultural subdivision shall be no smaller than specified in said contract.

(Added by Ord. No. 5189 (N.S.), effective 7-20-78)

Cross reference(s)--Agricultural enterprises and consumer information, § 63.401 et seq.

SEC. 81.102.1.8. [RESERVED.]

(Added by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 8426 (N.S.), effective 8-19-94; repealed by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.102.1.9. [AVERAGE DAILY TRIPS.]

"AVERAGE DAILY TRIPS" (ADT) means the calculation of the average daily trips based upon existing lots, proposed lots, and potential lots under the existing County General Plan.

(Added by Ord. No. 6276 (N.S.), effective 5-27-82)

SEC. 81.102.2.1. [BASIS OF BEARINGS.]

"BASIS OF BEARINGS" means the source of uniform orientation of all measured bearings shown on the map. Unless otherwise approved, this source will be the California Coordinate System (CCS 83), Zone 6.

(Added by Ord. No. 7695 (N.S.), effective 1-5-90; amended by Ord. No. 9102 (N.S.), effective 1-7-00)

SEC. 81.102.2.2. [BICYCLE.]

"BICYCLE" means a device upon which any person may ride, propelled by human power through a belt, chain, or gears, and having either two or three wheels in a tandem or tricycle arrangement.

(Renumbered from 81.102.2 to 81.102.2.2 by Ord. No. 7695 (N.S.), effective 1-5-90)

SEC. 81.102.3. [BICYCLE ROUTE.]

"BICYCLE ROUTE" means the generic term for all facilities that explicitly provide for bicycle travel by a course which is to be traveled.

SEC. 81.102.4. [CABLE TELEVISION LINES.]

"CABLE TELEVISION LINES" means electronic cable, conduit, and any other appurtenances thereto, which distribute television signals.

Cross reference(s)--Cable television systems, § 21.1601 et seq.

SEC. 81.102.4.1. [CALIFORNIA COORDINATE SYSTEM.]

"CALIFORNIA COORDINATE SYSTEM" means the coordinate system as defined in Section 8801 through 8819 of the California Public Resources Code. The specified zone for San Diego County is "Zone 6" and the official datum is the California Coordinate System (CCS 83), based on the "North American Datum of 1983".

(Added by Ord. No. 7695 (N.S.), effective 1-5-90; amended by Ord. No. 9102 (N.S.), effective 1-7-00)

SEC. 81.102.5. [CERTIFICATE OF COMPLIANCE.]

"CERTIFICATE OF COMPLIANCE" means a document describing a unit or contiguous units of real property and stating that the division thereof complies with applicable provisions of the Subdivision Map Act and County Ordinances enacted pursuant thereto.

SEC. 81.102.6. [COUNTY FIRE MARSHAL.]

"COUNTY FIRE MARSHAL" means that person designated by the Board of Supervisors pursuant to Section 35.106 of this Code.

(Amended by Ord. No. 6276 (N.S.), effective 5-27-82)

SEC. 81.102.6.2. [DEPARTMENT.]

"DEPARTMENT" means the County Department of Planning and Land Use.

(Added by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.102.6.3. [DESIGNATED REMAINDER PARCEL.]

"DESIGNATED REMAINDER PARCEL" means that portion of a subdivision which is not divided for the purpose of sale, lease or financing and is so designated by the subdivider on the Tentative Map or Tentative Parcel Map at the time of filing of said map.

(Added by Ord. No. 7204 (N.S.), effective 10-17-86)

SEC. 81.102.6.4. [DIRECTOR.]

"DIRECTOR" means the Director of Planning and Land Use or a representative designated by him/her.

(Added by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.102.6.5. [RESERVED.]

(Added by Ord. No. 4799 (N.S.), effective 1-13-77, and repealed by Ord. No. 6508 (N.S.), effective 3-1-83)

SEC. 81.102.7. [IMPROVEMENT.]

"IMPROVEMENT" means (a) such street work and utilities including street lights and walkways to be installed or agreed to be installed by the subdivider on land to be used for public or private streets, highways, ways, and easements as are necessary for the general use of the drainage, flood control, fire protection and sanitation needs as a condition precedent to the approval of a parcel map or final map, (b) such other specific improvements or types of improvements, the installation of which, either by the subdivider, by public agencies, by private utilities, by any other entity approved by the County of San Diego or by a combination thereof, is necessary or

convenient to insure conformity to or implementation of the general plan required by Article 5 (commencing with Section 65300) of Chapter 3 of Division 1 of Title 7 of the Government Code, or any specific plan adopted pursuant to Article 8 (commencing with Section 65450) of Chapter 3 of Division 1 of Title 7 of the Government Code.

SEC. 81.102.7.5. "LEASE".

Lease includes an oral as well as a written lease, tenancy at will, month-to-month or similar tenancy.

This ordinance shall not apply to the leasing of apartments, offices, stores or similar space within an apartment building, industrial building, commercial building, or trailer park, except as provided in Section 81.102.7.6, nor shall this ordinance apply to mineral, oil or gas leases. Except in the case of subdivisions, as defined by Section 66424 of the Subdivision Map Act, the provisions of this ordinance shall not apply to short-term leases (terminable by either party on not more than 30-days notice in writing) of a portion of the operating right-of-way of a railroad corporation, defined as such by Section 230 of the Public Utilities Code.

(Added by Ord. No. 4751 (N.S.), effective 10-7-76)

SEC. 81.102.7.6. "LEASE PROJECT".

The term "lease project" refers to a development wherein two or more residential or commercial buildings are constructed and maintained on a parcel of land and apartments, offices, stores or similar space are leased within one or more of the buildings, overall control of the land and buildings comprising the project being retained by the lessor. The following shall not be included when computing the number of buildings within a lease project:

- (a) Accessory or satellite buildings;
- (b) Parking structures;
- (c) Commercial buildings having a floor area of less than 400 square feet.

(Added by Ord. No. 4751 (N.S.), effective 10-7-76)

SEC. 81.102.8. [LOT.]

"LOT" means lot, parcel or tract of real property.

SEC. 81.102.9. [LOT AREA.]

"LOT AREA" shall mean Lot Area, Net as defined by the San Diego County Zoning Ordinance.

(Amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 6908 (N.S.), effective 2-8-85)

SEC. 81.102.10. [MAJOR SUBDIVISION.]

"MAJOR SUBDIVISION" means a subdivision of five or more lots or units except that a designated remainder parcel, as defined herein, shall not be counted as one of the five or more lots.

(Amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 7204 (N.S.), effective 10-17-86)

SEC. 81.102.10.1. [MAJOR TRANSMISSION FACILITIES, MAINS AND LINES.]

"MAJOR TRANSMISSION FACILITIES, MAINS AND LINES" means electrical transmission lines with 64,000 volts capacity or more, gasoline and/or oil transmission lines six inches or more in diameter, natural gas mains six inches or larger in diameter, sewer outfall or transmission mains thirteen inches or larger in diameter, water transmission mains fourteen inches or larger and telephone long distance and trunk communication facilities.

(Added by Ord. No. 6276 (N.S.), effective 5-27-82)

Cross reference(s)--Water and water supplies, § 67.101 et seq.; sewers and sewage disposal plants, § 68.101 et seq.

SEC. 81.102.10.3. [MASTER PARCEL PLAN.]

"MASTER PARCEL PLAN" means a map submitted with a tentative parcel map as required pursuant to 81.604.1 of this division. The master parcel plan may be a sketch plan and need not be based upon a detailed final survey or precise engineering. For the land to be subdivided, it would generally show the design or potential lots allowed by the General Plan density as well as the location of future streets and open space easements as required by the Director of Planning. The master parcel plan shall serve as a guide for reviewing future land divisions for the areas they represent.

(Added by Ord. No. 5758 (N.S.), effective 6-12-80; amended by Ord. No. 6276 (N.S.), effective 5-27-82)

SEC. 81.102.10.7. [MINIMUM WATER SUPPLY.]

"MINIMUM WATER SUPPLY" means a pipe size of six inches.

(Added by Ord. No. 6276 (N.S.), effective 5-27-82)

SEC. 81.102.11. [MINOR SUBDIVISION.]

"MINOR SUBDIVISION" means a subdivision of four or fewer lots or units except that a designated remainder parcel, as defined herein, shall not be counted as one of the four or fewer lots.

(Amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 7204 (N.S.), effective 10-17-86)

SEC. 81.102.11.5. [NONTITLE INFORMATION.]

"NONTITLE INFORMATION" means that information as defined and described as additional survey and map information in Section 66434.2, Article 2, Chapter 2, Division 2, Title 7 of the Government Code (Subdivision Map Act) which is required to be placed on the map and is not intended to affect record title interest. Additional survey and map information may include, but not be limited to, building setback lines, flood hazard zones (lines), seismic lines and setbacks, limit of proposed street widening, approximate slope lines, geologic mapping and archaeological sites.

(Added by Ord. No. 7262 (N.S.), effective 2-13-87)

SEC. 81.102.12. [NOTICE OF VIOLATION.]

"NOTICE OF VIOLATION" means a document describing a unit or contiguous units of real property, naming the owners thereof, and describing the manner in which said real property has been divided, or has resulted from a division, in violation of the Subdivision Map Act and County Ordinances enacted pursuant thereto.

SEC. 81.102.13. [PARCEL MAP.]

"PARCEL MAP" means a map prepared pursuant to Article 3 (commencing with Section 66444), Chapter 2, Division 2, Title 7 of the Government Code (Subdivision Map Act).

SEC. 81.102.13.1. [PIPELINE CASES.]

"PIPELINE CASES" are those cases where the application has been filed and fees paid before the effective date of any amendments to this ordinance as hereinafter defined:

(1) Projects served by public sewers shall be considered as pipeline cases upon the filing of an application and payment of fees to the Department of Planning and Land Use.

(2) Projects not served by public sewers shall be considered as pipeline cases upon the filing of an application and payment of fees to the Department of Environmental Health provided that within 180 days an application has been filed with and fees paid to the Department of Planning and Land Use. Applications filed with and fees paid to the Department of Planning and Land Use after the above 180 days shall be considered as pipeline cases effective on the date the application is filed with and fees paid to the Department of Planning and Land Use.

The foregoing notwithstanding, specific plans approved or filed for processing on or before March 25, 1987, shall not be subject to the amendments of Policies 1.3 and 1.4 of the Regional Land Use Element and Sections 4230 and 6648 of the Zoning Ordinance adopted as part of General Plan Amendment 87-01, Item 4, relating to the filing, processing, and approval of subsequent applications for implementing or amending such specific plans; provided that:

(1) The implementing application is filed within five years of the last prior action approving, amending, or implementing the specific plan, and

(2) The implementing application does not propose or imply an increase in the overall density or intensity of use of the specific plan;

except that where an application has been previously filed for a waiver of specific plan and a completed tentative subdivision map application has been filed for the subject property and fees paid prior to March 25, 1987, a subsequently filed specific plan for the same property shall also not be subject to the above specified amendments of GPA 87-01, Item 4.

(Added by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 7329 (N.S.), effective 7-17-87; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.102.14. [ROAD.]

"Road" means a State highway, County road or street, public road, street, alley, or thoroughfare or private road, street, alley thoroughfare or easement for ingress and egress.

(Previous Sec. 81.102.14 deleted by Ord. No. 7204 (N.S.), effective 10-17-86; new Sec. 81.102.14 added by Ord. No. 9063 (N.S.), effective 8-13-99)

SEC. 81.102.15. [SAN DIEGO COUNTY STANDARDS.]

"SAN DIEGO COUNTY STANDARDS" refers to those standards and specifications on file in the Office of the Clerk of the Board of

Supervisors as Attachment C with Resolution No. 99-186 (6-30-99 (8)) (San Diego County Standards for Private Roads) and Document Number 767412 (5-18-05 (14)) (Public Road Standards); provided, however, that with respect to development within the "Country Town" area of the Borrego Springs Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Area of the Borrego Springs Planning Area" on file with the Office of the Clerk of the Board of Supervisors as Document Number 740149 (4-10-91 (6)), and with respect to development within the San Dieguito Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards - Country Town Sphere of the San Dieguito Planning Area" on file with the Office of the Clerk of the Board of Supervisors as Document Number 750029(a) (6-6-92 (9)), and with respect to development within the Fallbrook Community Development Area, the standards and specifications contained in the "Fallbrook Community Right-of-Way Development Standards for Public Roads" on file with the Office of the Clerk of the Board of Supervisors as Document Number 761748 (12-14-94 (1)), and with respect to development within the Julian Community Planning Area, the standards and specifications contained in the "Community Right-of-Way Development Standards: Julian Historic District and Julian Community Planning Area" on file with the Office of the Clerk of the Board of Supervisors as Document Number 0768777 (3-6-02 (17)), shall also apply and shall supersede the aforementioned documents to the extent of any conflict between them.

(Amended by Ord. No. 4539 (N.S.), effective 9-11-75; amended by Ord. No. 4821 (N.S.), effective 2-3-77; amended by Ord. No. 5890 (N.S.), effective 10-30-80; amended by Ord. No. 6438 (N.S.), effective 10-15-82; repealed and new Section 81.102.15 added by Ord. No. 6919 (N.S.), effective 3-8-85; amended by Ord. No. 7049 (N.S.), effective 11-8-85; amended by Ord. No. 7894 (N.S.), effective 5-10-91; amended by Ord. No. 8035 (N.S.), effective 3-27-92; amended by Ord. No. 8064 (N.S.), effective 6-5-92; amended by Ord. No. 8493 (N.S.), effective 1-13-95; amended by Ord. No. 9062 (N.S.), effective 8-13-99; amended by Ord. No. 9438 (N.S.), effective 4-5-02; amended by Ord. No. 9719 (N.S.), effective 6-17-05)

SEC. 81.102.16. [STREET.]

"STREET" means a State highway, County road or street, public road, street, alley, or thoroughfare or private road, street, alley thoroughfare or easement for ingress and egress.

SEC. 81.102.17. [SUBDIVIDER.]

"SUBDIVIDER" means a person, firm, corporation, partnership or association who proposes to divide, divides, or causes to be divided real property into a subdivision for himself or for others, except that employees and consultants of such persons or entities, acting in such

capacity, are not "subdividers."

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78)

SEC. 81.102.18. [SUBDIVISION.]

"SUBDIVISION" means the division by any subdivider of any improved or unimproved land, or any portion thereof, shown on the latest equalized County assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing or any purpose, whether immediate or future, except for leases of agricultural land for agricultural purposes. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. "Freeway," as defined in Section 23.5 of the Streets and Highways Code, shall not be considered as roads or streets for the purpose of interpreting this section. Nothing in this section shall prevent the purchaser of a unit of land created under the provisions of this division from subdividing such land one time even though at the time of the prospective subdivision an equalized County assessment roll has not been prepared reflecting the creation of the unit proposed to be subdivided. As used in this section, "agricultural purposes" means the cultivation of food or fiber or the grazing or pasturing of livestock. Any conveyance of land to a governmental agency, public entity or public utility shall not be considered a division of land for purposes of computing the number of parcels.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5023 (N.S.), effective 1-5-78)

SEC. 81.102.19. [SUBDIVISION MAP ACT.]

"SUBDIVISION MAP ACT" means the Subdivision Map Act as set forth in Division 2 of Title 7 of the Government Code of the State of California.

SEC. 81.102.20. [TENTATIVE MAP.]

"TENTATIVE MAP" means a map prepared for the purpose of showing the design and improvement of a proposed major subdivision and the existing conditions in and around it and filed with the Advisory Agency precedent to the preparation and filing of a final map. A tentative map need not be based upon an accurate or detailed final survey of the property.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 6508 (N.S.), operative 3-1-83)

SEC. 81.102.21. [TENTATIVE PARCEL MAP.]

"TENTATIVE PARCEL MAP" means a map prepared for the

purpose of showing the design and improvement of a proposed minor subdivision and the existing conditions in and around it and filed with the Director precedent to the preparation and filing of a parcel map or precedent to waiver of requirement for a parcel map. A tentative parcel map need not be based upon an accurate or detailed final survey of the property.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.102.22. [THROUGH LOT.]

"THROUGH LOT" means a lot having frontage on two parallel or nearly parallel streets.

SEC. 81.103. PROHIBITION.

No person shall create a subdivision except in accordance with the provisions of the Subdivision Map Act and this division.

SEC. 81.104. APPLICATION OF SUBDIVISION MAP ACT.

Except as otherwise expressly provided in this division all of the provisions of the Subdivision Map Act which apply to subdivision as defined in that act, and all of the provisions of this division apply to subdivisions as defined in this division.

This division shall be inapplicable to:

- (1) The financing or leasing of apartments, offices, stores or similar space within a duplex, multiple dwelling, apartment building, industrial building, commercial building, mobilehome park or trailer park;
- (2) Mineral, oil or gas leases;
- (3) Land dedicated for cemetery purposes under the Health and Safety Code of the State of California.
- (4) The sale, lease or financing of one or more contiguous parcels or units of land which have been created under the provisions of County ordinances regulating the division of real property and the Subdivision Map Act applicable at the time such real property was divided or resulted from such division, or which were not subject to such provisions at the time of their creation, even though such contiguous parcels or units are, or were at any time in the past, held by the same owner and all such parcels which merged prior to January 5, 1978 are deemed unmerged and separate parcels except those required to be merged pursuant to Section 81.118.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5835 (N.S.), effective 8-28-80)

SEC. 81.105. EXTENT OF REGULATIONS.

No real property, improved or unimproved, consisting of a single unit or two or more contiguous units and owned by the same person or persons shall be divided into two or more lots, including any lot retained by the owner, except in accordance with the provisions of this division.

SEC. 81.106. [RESERVED.]

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; repealed by Ord. No. 6508 (N.S.), operative 3-1-83)

SEC. 81.107. ENVIRONMENTAL IMPACT REVIEW.

All tentative maps and tentative parcel maps shall be subject to environmental review in accordance with rules and procedures adopted by the Board of Supervisors pursuant to the Environmental Quality Act of 1970.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6508 (N.S.), operative 3-1-83)

SEC. 81.108. [RESERVED.]

(Amended by Ord. No. 4566 (N.S.), effective 10-10-75; amended by Ord. No. 4705 (N.S.), effective 6-24-76; amended by Ord. No. 4817 (N.S.), effective 1-29-77; repealed by Ord. No. 4994 (N.S.), effective 11-17-77)

SEC. 81.108.1. [RESERVED.]

(Added by Ord. No. 4832 (N.S.), effective 1-18-77; amended by Ord. No. 5063 (N.S.), effective 1-24-78; Ord. No. 5067 (N.S.), adopted 1-31-78, effective 3-2-78, supersedes Ord. No. 5063; amended by Ord. No. 5211 (N.S.), effective 8-1-78; Ord. No. 5220 (N.S.), adopted 8-8-78, effective 9-7-78, supersedes Ord. No. 5211; repealed by Ord. No. 5277 (N.S.), effective 10-5-78; new Sec. 81.108.1, titled SUBDIVISIONS IN SPHERE OF INFLUENCE OF CITY OF CARLSBAD, added by Ord. No. 5605 (N.S.), effective 10-25-79; amended by Ord. No. 6508 (N.S.), operative 3-1-83; repealed by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.108.2. [RESERVED.]

(Added by Ord. No. 5007 (N.S.), effective 12-8-77; repealed by Ord.

No. 5317 (N.S.), effective 1-5-79; Ord. No. 5335 (N.S.), adopted 1-2-79, effective 2-1-79, supersedes Ord. No. 5317)

SEC. 81.108.3. [RESERVED.]

(Added by Ord. No. 5316 (N.S.), effective 12-5-78; repealed by Ord. No. 5326 (N.S.), effective 12-12-78)

SEC. 81.108.5. SUBDIVISION RECEIVING SEWER SERVICE FROM OTAY MUNICIPAL WATER DISTRICT.

(Added by Ord. No. 4844 (N.S.), effective 2-10-77; Ord. No. 4852 (N.S.), adopted 2-16-77, effective 3-18-77, supersedes Ord. No. 4844; amended by Ord. No. 5042 (N.S.), effective 2-9-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5983 (N.S.), effective 2-10-81; Ord. No. 5982 (N.S.), adopted 2-10-81, effective 3-12-81, supersedes Ord. No. 5983; amended by Ord. No. 6508 (N.S.), operative 3-1-83; repealed by Ord. No. 6757 (N.S.), effective 5-11-84)

SEC. 81.108.6. SUBDIVISIONS RECEIVING SEWER SERVICE FROM THE FALLBROOK SANITARY DISTRICT.

(a) Any other provisions of this Title 8 to the contrary notwithstanding, no tentative map or tentative parcel map shall be received for processing by the Department if such map proposes a subdivision of land within the Fallbrook Sanitary District as said District now exists or may hereafter be modified, unless the tentative map either is accompanied by a letter from said District indicating that sewer capacity is currently available or bears a certification by the Director of the Department of Environmental Health that he has approved each lot for installation of a sewage disposal system in accordance with the Septic Tank Ordinance.

If the Sanitary District service availability letter does not contain a statement of commitment of capacity to such subdivision, a condition shall be included in the conditions of approval requiring a commitment of capacity from said district prior to the recordation of a final or parcel map.

(b) The prohibition specified in paragraph (a) of this section shall not apply to a written application for an extension of time filed pursuant to Section 81.308 or Section 81.617 of this division.

(c) For purposes of this section, a tentative map or tentative parcel map is "received" on the date when the applicable fees are paid and the map is stamped "received" by the Department.

(Added by Ord. No. 5151 (N.S.), effective 5-2-78; Ord. No. 5160 (N.S.), adopted 5-9-78, effective 6-8-78, supersedes Ord. No. 5151;

amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6394 (N.S.), effective 8-12-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.108.7. SUBDIVISION RECEIVING SEWER SERVICE FROM CARDIFF SANITATION DISTRICT OR SOLANA BEACH SANITATION DISTRICT.

(Added by Ord. No. 4868 (N.S.), effective 3-9-77; Ord. No. 4870 (N.S.), adopted 3-15-77, effective 4-14-77, supersedes Ord. No. 4868; amended by Ord. No. 4946 (N.S.), effective 7-5-77; Ord. No. 4951 (N.S.), adopted 7-12-77, effective 8-11-77, supersedes Ord. No. 4946; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; repealed by Ord. No. 5641 (N.S.), effective 11-13-79; Ord. No. 5651 (N.S.), adopted 11-20-79, effective 12-20-79, supersedes Ord. No. 5641)

SEC. 81.108.8. SUBDIVISION RECEIVING SEWER SERVICE FROM SOLANA BEACH SANITATION DISTRICT.

(Added by Ord. No. 4976 (N.S.), effective 9-6-77; Ord. No. 4981 (N.S.), adopted 9-13-77, effective 10-13-77, supersedes Ord. No. 4976; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; repealed by Ord. No. 5641 (N.S.), effective 11-13-79; Ord. No. 5651 (N.S.), adopted 11-20-79, effective 12-20-79, supersedes Ord. No. 5641)

SEC. 81.108.9. SUBDIVISIONS USING EVAPOTRANSPIRATION TYPE SEWAGE SYSTEMS.

(a) No proposed final subdivision map, parcel map, adjustment plat or certificate of compliance which contemplates the installation of an evapotranspiration type sewage system shall be approved for recording unless the Director of the Department of Environmental Health certifies that the parcels have been reexamined since the effective date of this ordinance and that:

(1) Such parcels are considered suitable for the installation of a subsurface sewage disposal system; or

(2) Sewer service is available to the parcels

(b) If any such proposed final map, parcel map, adjustment plat, or certificate of compliance will be deemed approved as a matter of law pursuant to the provisions of Chapter 4.5 (commencing with Section 65920) of Division 1 of Title 7 of the Government Code unless action to disapprove is taken by a certain date, then such map, plat, or certificate of compliance shall be disapproved prior to that date unless the requirements of this section have been met.

(Added by Ord. No. 5408 (N.S.), effective 2-20-79; Ord. No. 5416 (N.S.), adopted 2-27-79, effective 3-29-79, supersedes Ord. No. 5408; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.108.10. SUBDIVISIONS PROPOSED FOR THE CENTRAL VALLEY AREA IN THE VICINITY OF VALLEY CENTER.

(Added by Ord. No. 5900 (N.S.), effective 11-6-80; amended by Ord. No. 5977 (N.S.), effective 3-5-81; amended by Ord. No. 6157 (N.S.), effective 10-15-81; amended by Ord. No. 6418 (N.S.), effective 9-3-82; amended by Ord. No. 6742 (N.S.), effective 4-20-84; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.11. EXCLUSION OF PARCELS FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 6231 (N.S.), effective 3-11-82; amended by Ord. No. 6266 (N.S.), effective 5-13-82; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.12. [RESERVED.]

(Added by Ord. No. 6379 (N.S.), effective 7-29-82; repealed by Ord. No. 9588 (N.S.), effective 9-5-03)

SEC. 81.108.13. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 6749 (N.S.), effective 5-4-84; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.14. EXCLUSION OF PARCEL FROM THE S. CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code, San Diego County Assessor's Parcel Numbers 234-430-43 and 234-430-46 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido as described in subdivision (b) of said Section 81.108.12 and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 6758 (N.S.), effective 5-11-84)

SEC. 81.108.15. EXCLUSION OF PARCEL FROM THE S. CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code,

San Diego County Assessor's Parcel No. 234-430-36 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido as described in subdivision (b) of said Section 81.108.12 and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 6825 (N.S.), effective 9-14-84)

SEC. 81.108.16. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 6838 (N.S.), effective 10-19-84; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.17. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 6877 (N.S.), effective 1-11-85; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.18. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 6970 (N.S.), effective 6-12-85; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.19. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7053 (N.S.), effective 11-15-85; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.20. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7092 (N.S.), effective 3-20-86; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.21. EXCLUSION OF PARCEL FROM THE SOUTH CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code, San Diego County Assessor's Parcel No. 234-430-27 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido as described in subdivision (b) of said Section 81.108.12 and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 7298 (N.S.), effective 6-11-87)

SEC. 81.108.22. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7506 (N.S.), effective 8-5-88; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.23. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7531 (N.S.), effective 10-14-88; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.24. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7618 (N.S.), effective 5-24-89; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.25. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7624 (N.S.), effective 6-21-89; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.26. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7732 (N.S.), effective 4-5-90; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.27. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7787 (N.S.), effective 8-31-90; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.28. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 7993 (N.S.), effective 11-5-91; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.29. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8061 (N.S.), effective 5-29-92; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.30. EXCLUSION OF PARCEL FROM THE

VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8070 (N.S.), effective 6-12-92; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.31. EXCLUSION OF PARCEL FROM THE S. CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code, San Diego County Assessor's Parcel Number 234-291-11 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido as described in subdivision (b) of said Section 81.108.12, and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 8075 (N.S.), effective 6-19-92)

SEC. 81.108.32. EXCLUSION OF PARCEL FROM THE SOUTH CITRUS AVENUE MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this code, San Diego County Assessor's Parcel Number 234-420-26 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido as described in subdivision (b) of said Section 81.108.12, and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 8503 (N.S.), effective 3-16-95)

SEC. 81.108.33. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8584 (N.S.), effective 10-26-95; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.34. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8629 (N.S.), effective 2-22-96; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.35. EXCLUSION OF PARCEL FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8687 (N.S.), effective 7-4-96; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.36. EXCLUSION OF PARCELS FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8692 (N.S.), effective 7-11-96; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.37. EXCLUSION OF PARCELS FROM THE VALLEY CENTER SEWER MORATORIUM.

(Added by Ord. No. 8768 (N.S.), effective 2-11-97, operative 3-13-97; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.108.38. EXCLUSION OF PARCEL FROM THE SOUTH CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code, San Diego County Assessor's Parcel Number 234-440-03 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido described in subdivision (b) of said Section 81.108.12, and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 8850 (N.S.), adopted 12-2-97, operative 1-1-98)

SEC. 81.108.39. EXCLUSION OF PARCEL FROM THE SOUTH CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code, San Diego County Assessor's Parcel Number 234-420-25 shall not be deemed to lie within the boundary of the moratorium area of South Citrus Avenue in the vicinity of Escondido described in subdivision (b) of said Section 81.108.12 and the provisions of said Section 81.108.12 shall not be applicable to said parcel.

(Added by Ord. No. 9427 (N.S.), effective 2-15-02)

SEC. 81.108.40. EXCLUSION OF PARCELS FROM THE SOUTH CITRUS AVENUE SEWER MORATORIUM.

Notwithstanding the provisions of Section 81.108.12 of this Code, San Diego County Assessor's Parcel Numbers 234-411-24 and 234-411-25 shall not be deemed to lie within the boundary of the moratorium area of S. Citrus Avenue in the vicinity of Escondido as described in subdivision (b) of said Section 81.108.12 and the provisions of said Section 81.108.12 shall not be applicable to said parcels.

(Added by Ord. No. 9520 (N.S.), effective 1-3-03)

SEC. 81.109. SECURITY FOR THE PAYMENT OF TAXES AND SPECIAL ASSESSMENTS.

(a) Whenever security is filed with the Board of Supervisors pursuant to Section 66493 of the Government Code to secure the payment of taxes or special assessments collected as taxes which are a lien on the property to be subdivided but not yet payable, the Clerk of the Board of Supervisors, upon notification by the Treasurer-Tax Collector that the total amount of said taxes or special assessments have been paid in full, may release said security.

(b) If the property owner or subdivider deposits cash to secure the payment, as required by the Subdivision Map Act, of the estimated taxes or special assessments, the Treasurer-Tax Collector shall draw upon the cash deposit, at the request of the property owner, to pay the taxes or special assessments when they are payable.

(Amended by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.110. SUBDIVISIONS CONVERTING EXISTING RESIDENTIAL AND NON-RESIDENTIAL DEVELOPMENTS TO CONDOMINIUMS.

(a) Application: The conversion of an existing residential or non-residential development to a condominium shall require a tentative map for 5 or more units or a tentative parcel map for 4 or fewer units. An existing residential or non-residential development is defined as a development that has received a certificate of final occupancy. The subdivision map shall indicate all sublots including common-held sublots. If the project is to be an air space condominium, a one-lot subdivision is required.

(b) Standards for Conversion: All tentative subdivision maps involving conversion to condominiums, excepting residential mobilehome developments, of any existing residential or non-residential building shall be conditioned to:

(1) Bring the development into conformance with current Zoning Ordinance requirements for new development except that Section 4115 of The Zoning Ordinance (Computation of Permitted Dwelling Units) shall be applicable only if the tentative subdivision map proposes additional dwelling units.

(2) Bring all structures on the site into conformance with the provisions of either the 1974 State Noise Insulation Standards or more recent standards whichever is less restrictive; either the 1978 State Energy Conservation Standards for New Residential and New Non-Residential Buildings or more recent standards whichever is less restrictive; either the 1973 Uniform Building, Plumbing and Mechanical Codes as adopted and modified by the County or more recent standards whichever is less restrictive; and either the 1975 National Electrical Code as adopted and modified by the County or more recent standards whichever is less restrictive.

(3) Provide an individual gas and/or electric metering system for each unit.

(4) Provide trash enclosures to screen trash storage areas. These areas shall be enclosed with a solid masonry wall or solid wooden fences. This wall or fence shall be a minimum of five feet high.

(Added by Ord. No. 5325 (N.S.), effective 12-12-78; Ord. No. 5333 (N.S.), adopted 1-2-79, effective 2-1-79, supersedes Ord. No. 5325; amended by Ord. No. 6144 (N.S.), effective 9-10-81; amended by Ord. No. 6410 (N.S.), effective 8-27-82; amended by Ord. No. 6575 (N.S.), effective 6-3-83)

SEC. 81.111. [RESERVED.]

(Added by Ord. No. 5503 (N.S.), effective 5-9-79; amended by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5637 (N.S.), effective 12-13-79; amended by Ord. No. 5709 (N.S.), effective 4-10-80; repealed by Ord. No. 5814 (N.S.), effective 7-31-80)

SEC. 81.111.5. [RESERVED.]

(Added by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5777 (N.S.), effective 6-26-80; repealed by Ord. No. 5814 (N.S.), effective 7-31-80)

SEC. 81.112. [RESERVED.]

(Added by Ord. No. 5534 (N.S.), effective 5-29-79; Ord. No. 5539 (N.S.), adopted 6-5-79, effective 7-5-79, supersedes Ord. No. 5534; amended by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5637 (N.S.), effective 12-13-79; amended by Ord. No. 5709 (N.S.), effective 4-10-80; amended by Ord. No. 5998 (N.S.), effective 3-26-81; amended by Ord. No. 6179 (N.S.), effective 11-19-81; amended by Ord. No. 6213 (N.S.), effective 2-11-82; repealed by Ord. No. 6258 (N.S.), effective 4-22-82)

SEC. 81.112.5. [RESERVED.]

(Added by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5777 (N.S.), effective 6-26-80; repealed by Ord. No. 6296 (N.S.), effective 6-24-82)

SEC. 81.113. [RESERVED.]

(Added by Ord. No. 5548 (N.S.), effective 6-26-79; amended by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5637 (N.S.), effective 12-13-79; amended by Ord. No. 5709 (N.S.), effective 4-10-80; repealed by Ord. No. 6098 (N.S.), effective 8-6-81)

SEC. 81.113.5. [RESERVED.]

(Added by Ord. No. 5587 (N.S.), effective 9-20-79; amended by Ord. No. 5777 (N.S.), effective 6-26-80; repealed by Ord. No. 6098 (N.S.), effective 8-6-81)

SEC. 81.114. [RESERVED.]

(Added by Ord. No. 5641 (N.S.), effective 11-13-79; Ord. No. 5651 (N.S.), adopted 11-20-79, effective 12-20-79, superseded Ord. No. 5641; amended by Ord. No. 5709 (N.S.), effective 4-10-80; amended by Ord. No. 6179 (N.S.), effective 11-19-81; amended by Ord. No. 6213 (N.S.), effective 2-11-82; repealed by Ord. No. 6258 (N.S.), effective 4-22-82)

SEC. 81.114.5. [RESERVED.]

(Added by Ord. No. 5641 (N.S.), effective 11-13-79; Ord. No. 5651 (N.S.), adopted 11-20-79, effective 12-20-79, supersedes Ord. No. 5641; amended by Ord. No. 5777 (N.S.), effective 6-26-80; repealed by Ord. No. 6296 (N.S.), effective 6-24-82)

SEC. 81.115. [RESERVED.]

(Added by Ord. No. 5848 (N.S.), effective 8-12-80; Ord. No. 5855 (N.S.), adopted 8-19-80, effective 9-18-80, supersedes Ord. No. 5848; amended by Ord. No. 5955 (N.S.), effective 12-17-80; Ord. No. 5956 (N.S.), adopted 12-17-80, effective 1-16-81, supersedes Ord. No. 5955; section repealed and reenacted by Ord. No. 6025 (N.S.), effective 5-21-81; amended by Ord. No. 6581 (N.S.), effective 6-10-83; amended by Ord. No. 6917 (N.S.), effective 2-28-85; repealed by Ord. No. 7242 (N.S.), effective 12-9-86; Ord. No. 7253 (N.S.), adopted 12-16-86, effective 1-15-87, supersedes Ord. No. 7242)

SEC. 81.116. [RESERVED.]

(Added by Ord. No. 6021 (N.S.), effective 5-7-81; Section 81.116 expired upon completion of General Plan amendment proceedings 8-26-81)

**SEC. 81.117. SUBDIVISIONS REQUIRED TO UTILIZE
SUBSURFACE SEWAGE DISPOSAL SYSTEMS IN THE
OUTER VALLEY CENTER AREA.**

(a) No Tentative Map or Tentative Parcel Map shall be approved or accepted for filing for a subdivision within the area described in Paragraph (b) below unless it is accompanied by a letter from the County Department of Environmental Health certifying that every lot proposed by such map has been approved for the installation of subsurface sewage disposal systems. Where a proposed subdivision is

located partially within the area described in paragraph (b) below, the certification shall not be required for that subdivision.

(b) Paragraph (a) shall apply within all that area included within the boundaries of the Valley Center Community Planning Area (as shown on the map 745008), excluding therefrom all area within any of the following:

(i) the Country Town as shown on said map (Doc. No. 745007);

(ii) areas within the Central Basin Area of the Valley Center Community Plan as shown on a map on file with the Clerk of the Board of Supervisors as Document No: N/A

(iii) areas covered by any of the following Specific Plans or designated Specific Plan Areas in the County General Plan as shown on the maps thereof on file with the Clerk of the Board of Supervisors as the following respective Document Numbers: Circle "B" Specific Plan (Document No. 745008); Champagne Gardens Specific Plan (Document No. 745008); Woods Valley Ranch Specific Area Plan Area (Document No. 745008); Live Oak Ranch Specific Plan Area (Document No. 745007); or Orchard Run Specific Plan Area (Document No. 745007); or

(iv) all subdivisions within an adopted Specific Plan which is located within one mile of the area described in subparagraph (i) or (ii) above. Where an adopted Specific Plan is located partially within the one mile area, the certification required in paragraph (a) above, shall not be required.

(Added by Ord. No. 7960 (N.S.), effective 9-14-91; amended by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.118. MERGING OF CONTIGUOUS PARCELS.

(a) If two or more contiguous parcels or units of land are held by the same owner or owners and any one of such contiguous parcels or units does not conform to current standards for minimum parcel size to permit use or development under The Zoning Ordinance of the County of San Diego and at least one of such contiguous parcels or units is not developed with a building for which a permit has been issued, or which was built prior to the time such permits were required by the County, such parcels or units shall be merged for purposes of this division and the Subdivision Map Act.

(b) The provisions of paragraph (a) of this Section shall not apply to two or more contiguous parcels or units of land which have been created under the provisions of County ordinances regulating the division of real property and the Subdivision Map Act applicable at the time such real property was divided or resulted from such

division, or which were not subject to such provisions at the time of their creation, and any such parcels which merged prior to August 12, 1982, pursuant to any provision of this division relating to the merger of substandard parcels are hereby deemed to be unmerged without further compliance with this division.

(c) If the County approved a boundary adjustment or a division of land plat or issued a certificate of compliance resulting in the merger of parcels or units of land which would not have merged pursuant to the present provisions of this section, the merged parcels or units shall remain merged unless the Director, upon written application of the owner of such merged property or a vendee of such person pursuant to a contract of sale of such real property, issues a certificate of compliance after determining that:

(1) No final or parcel map has been recorded for all or any portion of such parcels or units; and

(2) In the case of a division of land plat, the ownership of all portions of the merged lots remains the same as when the division of land plat was approved; and

(3) In the case of a boundary adjustment, after the merged parcels or units are unmerged, the boundary adjustment would meet the present requirements for a boundary adjustment contained in Chapter 9 of this division and the resulting parcels or units would not be required to be merged pursuant to subparagraph (a) hereof; or

(4) In the case of a certificate of compliance, after the merged parcels or units are unmerged, the certificate of compliance would still be issuable pursuant to Section 81.1104 of this division and the resulting parcels or units would not be required to be merged pursuant to subparagraph (a) hereof.

(d) Whenever the Director has knowledge that real property has merged pursuant to this section, he/she shall cause to be filed for record with the Recorder of the County, a notice of such merger specifying the names of the record owners and particularly describing the real property, provided that, at least 30 days prior to the recording of the notice the owner of the parcels or units to be affected by the merger shall be advised in writing of the intention to record the notice and specifying a time, date and place at which the owner may present evidence to the Advisory Agency why such notice should not be recorded.

(Added by Ord. No. 5835 (N.S.), effective 8-28-80; amended by Ord. No. 6396 (N.S.), effective 8-12-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6882 (N.S.), effective 1-17-85)

SEC. 81.119. DEFENSE OF LAWSUITS.

As a condition of approval of a tentative map, vesting tentative map, or tentative parcel map for which a complete application is submitted before January 3, 2003, or a map modification, resolution amendment, time extension, adjustment plat, certificate of compliance or conditional certificate of compliance approved before January 3, 2003, the applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to attack, set aside, void or annul such approval by the Board of Supervisors, Planning Commission, Planning and Environmental Review Board, Director of the Department of Planning and Land Use or any other County employee or agency, or any of the proceedings, acts or determinations taken, done or made prior to such decision, if the action is brought within the time period specified in Government Code Section 66499.37; and (2) reimburse the County, its agents, officers or employees for any court cost and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense. Each applicant seeking approval of a tentative map, vesting tentative map or tentative parcel map for which a complete application is submitted on or after January 3, 2003, and each applicant seeking approval of a map modification, resolution amendment, time extension, adjustment plat, certificate of compliance or conditional certificate of compliance, which is approved on or after January 3, 2003, shall be subject to the defense and indemnification provisions found at Chapter 2 (commencing at Section 86.201) of Division 6 of Title 8 of the San Diego County Code.

(Added by Ord. No. 7782 (N.S.), effective 8-24-90; amended by Ord. No. 9517 (N.S.), effective 1-3-03)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 2. FEES AND DEPOSITS**

CHAPTER 2. FEES AND DEPOSITS

SEC. 81.201. TENTATIVE MAP DEPOSIT.

At the time of filing a tentative map with the Advisory Agency there shall be paid to the Department a tentative map examination deposit. The amount of said deposit shall be determined no less than annually by the Board of Supervisors.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6508 (N.S.) operative 3-1-83; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 9533 (N.S.), effective 5-4-03)

SEC. 81.201.1. TENTATIVE MAP DEPOSIT -- DEPARTMENT OF ENVIRONMENTAL HEALTH.

At the time of filing a tentative map with the Department of Environmental Health there shall be paid to the Department of Environmental Health a tentative map examination deposit as provided for in this ordinance. If the actual costs of reviewing, investigating, and making recommendations on the tentative map are less than the amount deposited, the Director of the Department of Environmental Health shall authorize a refund to the subdivider of any amount remaining in said deposit. If any deposit is insufficient to pay all the actual costs of reviewing, investigating, and making recommendations, the subdivider, upon demand of the Director of the Department of Environmental Health, shall pay to him an amount deemed sufficient by the Director of the Department of Environmental Health to complete the work in process. If the subdivider fails or refuses to pay such amount upon demand, the County may recover the same by action in any court of competent jurisdiction. Until such amount is paid in full, the final map shall not be certified by the Director of Public Works nor submitted to the Board of Supervisors for approval and filing in the office of the County Recorder; nor shall the Director of Public Works issue any grading permit nor accept for review and examination any improvement plans or preliminary final map submitted pursuant to a tentative map with a deficit deposit. The

amount of said deposit shall be as set forth in Title 6, Division 5, Section 65.107, par. (t), of this Code.

(Added by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.202. REVISED AND EXPIRED TENTATIVE MAP DEPOSIT.

At the time of filing a revised or expired tentative map, there shall be paid to the Department a revised or expired tentative map examination deposit. The amount of said deposit shall be determined no less than annually by the Board of Supervisors.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 9290 (N.S.), effective 2-11-01; amended by Ord. No. 9533 (N.S.), effective 5-4-03)

SEC. 81.203. [RESERVED].

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7986 (N.S.), effective 11-7-91; repealed by Ord. No. 9533 (N.S.), effective 5-4-03)

SEC. 81.203.5. RESOLUTION AMENDMENT DEPOSIT.

At the time of filing a request to amend the resolution of conditional approval of an approved tentative map there shall be paid to the Department a resolution amendment deposit. The amount of said deposit shall be determined no less than annually by the Board of Supervisors.

(Added by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9533 (N.S.), effective 5-4-03)

SEC. 81.204. [RESERVED.]

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; repealed by Ord. No. 5228 (N.S.), effective 9-21-78)

SEC. 81.205. FINAL MAP AND PARCEL MAP

EXAMINATION DEPOSIT.

(a) Final Map. The actual costs to the Department of Public Works of examining and certifying Final Maps, including the review of any required reports and the preparation of all necessary documents, shall be paid by the subdivider. At the time of submitting a final map to the Director of Public Works, for examination and certification, the subdivider shall deposit with the Director of Public Works, a sum estimated by the Director of Public Works, to be sufficient to cover such actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

(b) Parcel Maps. The actual costs to the Department of Public Works of examining, including the review of any required reports and preparation of all necessary documents, certifying, and recording parcel maps shall be paid by the subdivider. At the time of submitting a parcel map to the Director of Public Works, for examination and certification, the subdivider shall deposit with the Director of Public Works, a sum estimated by the Director of Public Works to be sufficient to cover actual costs. In addition, the subdivider shall pay to the Director of Public Works, the fee required for filing the parcel map in the office of the County Recorder. The amount of said deposit and fee shall be prescribed by the Board of Supervisors.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5350 (N.S.), effective 2-15-79; amended by Ord. No. 5930 (N.S.), effective 12-12-80; amended by Ord. No. 6277 (N.S.), effective 5-27-82; amended by Ord. No. 7268 (N.S.), effective 2-27-87; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9290 (N.S.), effective 2-11-01)

SEC. 81.206. TENTATIVE AND TENTATIVE PARCEL MAP -- IMPROVEMENT INSPECTION DEPOSITS.

All construction and installation of improvements shall be subject to inspection by the Director of Public Works or other appropriate department and the subdivider shall arrange for such inspection prior to starting construction or installation of the improvements. The actual costs to the Department of Public Works in examining improvement plans, inspecting improvements and monuments shall be paid by the subdivider. Before submitting improvement plans for examination, the subdivider shall deposit with the Director of Public Works a sum estimated by the Director of Public Works to be sufficient to cover actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors. If the actual costs of examinations and inspections are less than the amount deposited, the Director of Public Works shall refund to the subdivider any amount remaining in said deposit. If any deposit is insufficient to pay all the actual cost of examination and inspection, the subdivider, upon demand of the Director of Public Works, shall pay to the Director of Public Works

an amount deemed sufficient by the Director of Public Works to complete the work in process. If the subdivider fails or refuses to pay such amount upon demand, the County may recover the same by action in any court of competent jurisdiction. Until such amount is paid in full, the improvements shall be considered incomplete.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9290 (N.S.), effective 2-11-01)

SEC. 81.207. TENTATIVE PARCEL MAP FEES.

The following tentative parcel map fees shall be required as applicable:

(a) DEPARTMENT ENVIRONMENTAL EXAMINATION FEE. At the time of submission of a tentative parcel map, there shall be paid to the Director an examination fee as provided for in this ordinance. The amount of said fee shall be determined no less than annually by the Board of Supervisors.

(b) AMENDMENT TO FINAL NOTICE OF APPROVAL FEE. Upon the submission of a written request to the Director, Department of Public Works for an amendment to a condition of approval on the Final Notice of Approval of a Tentative Parcel Map, a non-refundable fee shall be paid. The amount of said fee shall be determined by resolution no less than annually by the Board of Supervisors.

(c) APPEAL FEE. Upon the filing of any appeal allowed under this division with respect to a tentative parcel map, a fee as provided in this ordinance shall be paid to the Director. The amount of said fee shall be determined no less than annually by the Board of Supervisors.

(d) DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH CERTIFICATION FEES. At the time the Director of the Department of Environmental Health Certification is applied for, pursuant to Section 81.606, the fee as set forth in Title 6, Division 5, Section 65.107, par. (u), of this Code shall be paid to the Director of the Department of Environmental Health.

The above fees shall cover the processing of the tentative parcel map, but shall not include checking of any required improvement plans or inspections of improvements.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 4762 (N.S.), effective 11-4-76; amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6037 (N.S.), effective 5-28-81, operative 7-1-

81; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.208. TENTATIVE PARCEL MAP DEPOSIT -- OTHER COUNTY DEPARTMENTS.

In addition to the fee paid to the Department, the subdivider shall pay for the actual costs incurred by other County departments in reviewing, investigating and making recommendations on the tentative parcel map including the cost of determining the need for a soils engineering report and/or an engineering geology report, the review of any other required reports and the preparation of all necessary documents related to the tentative parcel map. The amount of said fee shall be determined by resolution no less than annually by the Board of Supervisors.

If the actual costs to other County departments are less than the amount deposited the Director of Public Works shall authorize a refund to the subdivider of any amount remaining in said deposit. If any deposit is insufficient to pay all the actual costs to other County departments to review, comment, and prepare documents on the tentative parcel map, the subdivider, upon demand of the Director of Public Works shall pay to him an amount deemed sufficient by the Director of Public Works to complete the work in process. If the subdivider fails or refuses to pay such amount upon demand, the County may recover the same by action in any court of competent jurisdiction. Until such amount is paid in full, the parcel map shall not be approved by the Director of Public Works nor filed in the Office of the County Recorder, nor shall the Director of Public Works accept for review and comment any preliminary parcel map prepared pursuant to a tentative parcel map with a deficit deposit.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6037 (N.S.), effective 5-28-81, operative 7-1-81; amended by Ord. No. 7986 (N.S.), effective 11-7-91)

SEC. 81.208.1. DEPOSIT AND REFUND PROCEDURE.

All deposits made will be deposited in the name of the owner or subdivider. All notices for additional deposits or refunds will be sent to the owner or subdivider of record. No refunds will be made until all engineering, construction of improvements, plans, maps, documents, and reports, are approved, and/or accepted and/or recorded as required in this division. However, a letter from the owner or subdivider to the Director of Public Works stating that the project has been canceled prior to the recording of the parcel map with the County Recorder or approval of the final subdivision map by the Board of Supervisors,

shall release all monies eligible for refund. No refunds shall be made to any other than the owner or subdivider or his/her legal representative. Deposit refunds shall be made no later than 35 calendar days after the Department of Public Works verifies that a project has been completed and/or the deposit should be returned.

(Added by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5806 (N.S.), effective 7-17-80)

SEC. 81.209. ADJUSTMENT PLAT FEE.

At the time of filing an adjustment plat, there shall be paid to the County an examination fee as provided in this ordinance for each such plat. The amount of said fee shall be determined no less than annually by the Board of Supervisors.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76; amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 6715 (N.S.), effective 2-17-84)

SEC. 81.210. STREETS, LOTS AND PARCELS RESERVED FOR FUTURE STREETS EXCLUDED FROM COMPUTATION.

Streets and lots reserved for future streets shall be disregarded in computing the fees and charges imposed by this chapter.

(Amended by Ord. No. 4740 (N.S.), effective 9-16-76)

SEC. 81.211. RELEASE OF IMPROVEMENT REQUIREMENTS FEE.

At the time a request is made to have the Department of Public Works file a Release of Improvement Requirements, a fee for processing, plus the required fee for recording the Release of Improvements Requirements in the office of the County Recorder shall be paid to the Department of Public Works. The amount of said fees shall be determined by resolution no less than annually by the Board of Supervisors.

(Added by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 7986 (N.S.), effective 11-7-91)

SEC. 81.212. COVENANT OF IMPROVEMENT REQUIREMENTS FEE.

At the time the subdivider executes a Covenant of Improvement Requirements pursuant to Section 81.709.1 of this division, the subdivider shall pay to the Department of Public Works the fee required for filing said Covenant in the office of the County Recorder.

(Added by Ord. No. 5023 (N.S.), effective 1-5-78)

SEC. 81.213. LOCAL AREA DRAINAGE FEES.

In addition to any other fees, and prior to approval of any Final Map, Parcel Map, or Certificate of Compliance issued pursuant to Section 81.1103, the subdivider shall pay local drainage area fees as follows:

According to the formula (individual development cost and drainage basin cost) for all land in Local Drainage Areas 1 and 2 as shown on the map and addendums attached as Exhibits A, B, and C to the "Agreement for Reimbursement of Cost of Construction of Public Drainage Facilities", on file in the Office of the Clerk of the Board of Supervisors of the County of San Diego as Document No. 604932. Said Agreement and map constitute the plan and map required by government Code Sections 66483 and 66488.

(Added by Ord. No. 5792 (N.S.), effective 7-10-80)

SEC. 81.214. WAIVER OF APPEAL FEES FOR SPECIFIED COUNTY CITIZEN ADVISORY GROUPS.

Notwithstanding any other provisions of this division, the appeal fee with respect to a Tentative Parcel Map as specified at Section 81.207(c), and a Tentative Map as specified at Section 81.307(d), shall be waived for any citizen advisory group authorized to review and make recommendations pertaining to such decisions pursuant to the Subdivision Ordinance. The decision to file an appeal must be approved by a majority of the group's authorized membership. If no group meeting is scheduled prior to the end of the appeal period, the Chair of the group may file the appeal or must file the appeal if so directed by petition of a majority of the group's membership. The decision to appeal shall then be confirmed by a majority of the group's authorized membership at their next meeting. Failure to achieve a majority vote in favor of appeal shall require the group to withdraw the appeal.

(Added by Ord. No. 8204 (N.S.), adopted 1-20-93)

SEC. 81.214[.1]. SECURED AGREEMENT FOR PAYMENT OF IMPROVEMENT FEES.

Where a subdivider is required as a condition of approval of a tentative map or tentative parcel map to pay fees for the provision of improvements or services to the subdivision and the subdivider is entering into a secured agreement pursuant to Section 81.406 or Section 81.707 to defer making other subdivision improvements required pursuant to Section 81.403 or Section 81.706, the payment of such fees may also be deferred pursuant to the terms of the secured

agreement. The secured agreement shall provide that the fees shall be paid prior to commencement of the work for which the fee was required or prior to issuance of any building permit, whichever occurs first. The amount of the security accompanying said agreement shall be increased to include the amount of the fees. The amount of the fees shall include an adjustment factor to represent the effects of inflation as represented in the Market Trends Index as published in the "Engineering News Record" or a similar index as determined appropriate by the Director of Public Works. This section shall not apply to any fee for which State law or other County ordinance establishes provisions for the time of payment.

(Added by Ord. No. 8343 (N.S.), effective 2-5-94)

SEC. 81.215. WAIVER OF FEES FOR PROCESSING ENVIRONMENTAL SUBDIVISION.

Upon written request of an applicant, the Director may waive all fees, as set forth in this Chapter, if the Director makes the following findings:

1. The application is for an environmental subdivision as defined in Section 81.1400;
2. The environmental subdivision will conserve habitat that is important to the success of the County's Open Space and/or Multiple Species Conservation Program.

(Added by Ord. No. 9428 (N.S.), effective 2-15-02)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 3. MAJOR SUBDIVISION -- PROCEDURE**

CHAPTER 3. MAJOR SUBDIVISION -- PROCEDURE

SEC. 81.300. APPLICABILITY.

Those conditions, specifications, regulations and requirements included within those Chapters 1, 3 and 4 and relating to major subdivisions shall be made applicable to each application for a major subdivision as defined in Sec. 81.102.10 after the effective date of this ordinance, except that those tentative maps which are pipeline cases as defined in Section 81.102.13.1, may adhere to those standards applicable at the time applications were filed. The filing date of any subsequent applications relative to the original tentative map shall establish a new pipeline filing date.

(Added by Ord. No. 5890 (N.S.), effective 10-30-80; amended by Ord. No. 6019 (N.S.), effective 5-7-81)

SEC. 81.301. TENTATIVE MAP REQUIRED.

Except where a tentative map is waived pursuant to Section 81.616.1 of this division, a tentative map shall be required as follows:

(a) Any person proposing to create a major subdivision shall file a tentative map pursuant to this chapter. The Board of Supervisors shall not approve a final map unless prior thereto a tentative map of the subdivision shown thereon shall have been filed and approved.

(b) Where a parcel map is authorized for a major subdivision pursuant to the Subdivision Map Act or this division, the Director of Public Works shall not approve such map unless prior thereto a tentative map of the subdivision shown thereon shall have been filed and approved.

(Amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6575 (N.S.), effective 6-3-83)

SEC. 81.301.5. SEWER SERVICE CERTIFICATION.

A tentative map requiring individual sewage disposal systems will

not be accepted for processing until said map bears a certification by the Director of the Department of Environmental Health that each lot has been approved with the Septic Tank Ordinance. Such approval for individual sewage disposal systems shall not be granted by the Director of the Department of Environmental Health unless there has been a percolation test of each parcel; provided, however, that the percolation test requirement may be waived by the Director of the Department of Environmental Health.

(Added by Ord. No. 5828 (N.S.), effective 8-21-80; amended by Ord. No. 5916 (N.S.), effective 12-4-80; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6149 (N.S.), effective 8-18-81; Ord. No. 6150 (N.S.), adopted 8-25-81, effective 9-24-81, supersedes Ord. No. 6149; amended by Ord. No. 6401 (N.S.), effective 8-19-82; amended by Ord. No. 6683 (N.S.), effective 12-15-83; amended by Ord. No. 6792 (N.S.), effective 7-13-84; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.302. TENTATIVE MAP TO CONFORM TO RULES OF ADVISORY AGENCY.

All tentative maps shall be in the form and shall contain and be accompanied by the data specified by the rules and regulations prescribed by the Advisory Agency and shall be accompanied by either an Environmental Impact Initial Study Sheet or a draft environmental impact report prepared in accordance with rules and procedures adopted by the Board of Supervisors pursuant to the Environmental Quality Act of 1970.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 6508 (N.S.) operative 3-1-83)

SEC. 81.302.5. INFORMATION TO BE SUPPLIED BY APPLICANT.

A tentative map filed pursuant to Section 81.302 shall be accompanied by a written statement disclosing the following information:

(a) The names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved.

(b) If any person identified pursuant to paragraph (a) above is a corporation or partnership, the names of all persons owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

(c) If any person identified pursuant to paragraph (a) above is a non-profit organization or a trust, the names of any person serving as

director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

(Added by Ord. No. 4544 (N.S.), effective 8-14-75)

SEC. 81.303. GRADING PLAN.

There shall be filed with each tentative map a grading plan showing grading for construction or installation of all improvements to serve the subdivision and feasible grading for the creation of building sites on each lot together with driveway access thereto. The grading plan shall conform to all requirements of Sections 87.206 and following of this Code, except that it shall not be required to show the estimated starting and completion dates. The level of detail required may be less than would be required for actual construction, but shall be sufficient to permit analysis of all onsite and offsite environmental impacts and mitigation measures (including Best Management Practices). The authority considering an application for a tentative map shall also consider the grading plan, and if the tentative map is approved or conditionally approved, a note shall be affixed to the grading plan to identify it as the grading plan which was a basis for approval of the tentative map. Any grading permit obtained pursuant to the Grading Ordinance (Section 87.201 and following of this Code) for the subdivision shall conform to the grading plan thus identified, and any substantial deviation therefrom shall require an amendment to the grading plan pursuant to the Grading Ordinance.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 9315 (N.S.), effective 4-12-01)

SEC. 81.304. PLANNING COMMISSION DUTIES.

The Planning Commission, as an advisory agency, is authorized and directed to carry out the following actions:

(a) Provide notice as follows:

(1) Public notice of the time and place of any public hearing once, in a newspaper of general circulation published and circulated within the County of San Diego, at least 10 days before said hearing:

(2) Notify by mail the owners of property within a radius of three hundred (300) feet of the exterior boundaries of the property covered by any tentative map that the Advisory Agency will be considering the tentative map; the names and addresses of such owners shall be determined according to Section 65905 of the Government Code, and the notices shall be deposited in the United States mails with the postage prepaid not less than five (5) days prior

to the date of such consideration.

Provided, however, notice in the case an application for an extension of time for filing a final map or a modification to a previously approved resolution of conditional approval shall be provided pursuant to the provisions of Section 81.312.

(b) Investigate each tentative map filed with it pursuant to this chapter or the Subdivision Map Act and the improvements proposed to be constructed and installed in or to serve the subdivision and make its report with respect to design and improvements of the subdivision and the kind, nature, and extent of the proposed improvements.

(c) Obtain the recommendations of (1) the Director of Planning and Land Use, Director of the Department of Environmental Health and Director of Public Works, or their authorized representatives with respect to the design of the proposed subdivision and the kind, nature and extent of the proposed improvements, including but not limited to sewer, water and school services, and (2) the chief of the local fire district, or if there is no local fire district, the County Fire Marshal, with respect to fire hydrants and connections to be installed, wherever such installations are proposed.

(d) Take action on tentative maps as follows:

(1) For a tentative map filed for concurrent processing with a General Plan Amendment or a Specific Plan which must be approved before the tentative map can legally be approved (for general plan conformity or other reasons), and for a tentative map which proposes connection to the Rancho San Diego interceptor sewer line for the provision of sewer service and is not within the Current Urban Development Area as shown by the Regional Land Use Element of the County of San Diego, the Planning Commission is the advisory agency, but is not authorized to approve, conditionally approve or disapprove such map and shall consider it and make a report thereon to the Board of Supervisors pursuant to Section 66452.1(a) of the Subdivision Map Act.

(2) For all other tentative maps, the Planning Commission is the advisory agency and is authorized to approve, conditionally approve or disapprove such map as specified in Section 66452.1(b) of the Subdivision Map Act.

(e) Where the Advisory Agency approves or conditionally approves a tentative map it shall prescribe, pursuant to the provisions of this division the kind, nature and extent of the improvements including, but not limited to sewers, water, fire protection or school facilities, to be constructed or installed in or funded to serve the subdivision for which such tentative map is filed, provided, however,

where the Advisory Agency does not prescribe the kind, nature or extent of the improvements to be constructed or installed, improvements shall be constructed and installed in accordance with the San Diego County Standards.

(f) Except when a tentative map is one as to which final approval can be given only by the Board of Supervisors as hereinbefore provided, or when an appeal is taken as hereinafter provided, the actions of the Advisory Agency specified in this section shall fulfill the requirements for approval of tentative maps by the Board of Supervisors pursuant to the provisions of Section 66426 and 66428 of the Subdivision Map Act; provided, however, no final map shall be filed in the office of the County Recorder until such map has been approved by the Board of Supervisors.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6790 (N.S.), effective 6-29-84; amended by Ord. No. 7312 (N.S.), effective 7-2-87; amended by Ord. No. 8164 (N.S.), effective 11-20-92; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 8591 (N.S.), effective 10-27-95; amended by Ord. No. 8811 (N.S.), effective 6-25-97; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.305. ASSIGNMENT OF CERTAIN RESPONSIBILITIES TO ADVISORY AGENCY.

The responsibilities of the Board of Supervisors pursuant to Section 66473.5, 66474, 66474.1 and 66474.6 of the Government Code are hereby assigned to the Advisory Agency with respect to those tentative maps which it is authorized to approve, conditionally approve, or disapprove.

(Amended by Ord. No. 6508 (N.S.), effective 3-1-83)

SEC. 81.306. MODIFICATION OF REGULATIONS.

Whenever the Advisory Agency finds with respect to a subdivision, or after an appeal, the Planning Commission or the Board of Supervisors finds, that the real property to be divided is of such size or shape or is subject to such title limitations of record or is affected by such topographical location or conditions, or is to be devoted to such usage, that it is impossible or impractical in the particular case for the subdivider to conform fully to the requirements of this division, or (based on advice from the County Counsel) that imposition of such requirements would constitute an unconstitutional taking of property, it may waive or modify such requirements as it deems reasonably necessary; provided, however, any such waiver or modification shall be in conformity with the spirit and purpose of the

Subdivision Map Act and of this division, and the Advisory Agency may impose such reasonable conditions as it deems appropriate.

(Amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 8228 (N.S.), effective 5-7-93)

SEC. 81.306.1. HEARING PROCEDURE FOR SUBDIVISION MODIFICATIONS AND WAIVERS.*

***Note**--Title added.

Whenever application is made for modification of regulations pursuant to Section 81.306 of this Ordinance, for waiver of any improvement requirement pursuant to any provision of the general plan, or for modification of any condition of a resolution of approval of a tentative map, the matter will be heard if possible concurrently with the tentative map hearing. If a concurrent hearing is not possible, the matter will be considered separately but will be noticed, heard and decided using the procedure specified in Section 81.313.

(Added by Ord. No. 5108 (N.S.), effective 3-30-78; amended by Ord. No. 6041 (N.S.), effective 5-28-81)

SEC. 81.306.2. HEARING PROCEDURE FOR SUBDIVISION MODIFICATIONS OR WAIVERS DUE TO CHANGE IN REQUIREMENTS.

Whenever the Board of Supervisors changes a requirement for approval of tentative maps subject to the provisions of this division, the Advisory Agency, or on appeal, the Planning Commission or the Board of Supervisors may modify or waive such requirement imposed upon tentative maps approved prior to the effective date of the change. The matter shall be noticed, heard and decided using the procedure specified in Section 81.312 and 81.313. The Director may authorize the Director of Public Works to perform his/her duties specified in Section 81.312 and 81.313, for classes of modifications or waivers which the Director may specify.

(Added by Ord. No. 6014 (N.S.), effective 4-23-81; amended by Ord. No. 6508 (N.S.), effective 3-1-83)

SEC. 81.307. APPEAL FROM ADVISORY AGENCY.

(a) Where the subdivider is dissatisfied with any action of the Advisory Agency with respect to a tentative map which it is authorized to approve he/she may appeal to the Appeal Board and the

Board of Supervisors as provided in Section 66452.5 of the Subdivision Map Act. Notice of any hearing on any appeal by any subdivider shall be given in the same manner provided for by Section 81.304 for consideration of tentative maps by the Planning Commission.

(b) Any interested person other than the authority having jurisdiction over the appeal may appeal to the Appeal Board and the Board of Supervisors from any decision of the Advisory Agency made relative to the responsibilities assigned to it in Section 81.305. Any such appellant shall be subject to the same procedural requirements and shall be entitled to the same notice and rights regarding testimony as apply to the subdivider under Section 66452.5 of the Government Code.

(c) Any person other than the Director, the Appeal Board, or a person representing a Community Planning or Sponsor Group, filing an appeal pursuant to this section, shall pay the fee as provided in this ordinance. The amount of said fee shall be determined no less than annually by the Board of Supervisors.

(d) If during the course of appeal the number or nature of the changes necessary for conditional approval are such that a replacement tentative map is required, the appeal hearing body may, in its discretion, direct that the appeal be dismissed and the matter resubmitted to the advisory agency having original jurisdiction. The matter may thereafter be appealed again as hereinabove provided. If the appeal hearing body determines not to direct that the appeal be dismissed, it shall continue its hearing for sufficient time for the Director to report concerning the accuracy and completeness of the replacement map.

(Amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7054 (N.S.), effective 11-15-85; amended by Ord. No. 7820 (N.S.), effective 10-26-90; amended by Ord. No. 8051 (N.S.), effective 5-8-92; amended by Ord. No. 8202 (N.S.), effective 2-12-93)

SEC. 81.308. EXPIRATION OF TENTATIVE MAP -- EXTENSION OF TIME.

(a) Within 36 months after the approval or conditional approval of the tentative map, the subdivider may cause the subdivision, or any part thereof, to be surveyed and a final map to be filed in accordance with the tentative map as approved or conditionally approved and in accordance with the Subdivision Map Act and this division. However, if the subdivider is subject to a requirement of one hundred twenty-five thousand dollars (\$125,000) or more to construct or improve or finance the construction or improvement of public improvements

outside the boundaries of the tentative map, each filing of a final map on a portion of an approved tentative map, as authorized by Section 66456.1 of the Subdivision Map Act, shall extend the expiration of the approved or conditionally approved tentative map by 36 months from the date of its expiration as provided in this section, or the date of the previously filed final map, whichever is later. The extensions shall not extend the tentative map more than 10 years from its approval or conditional approval. However, a tentative map on property subject to a development agreement authorized by Article 2.5 (commencing with Section 65864) of Chapter 4 of Division 1 of the Government Code of the State of California may be extended for the period of time provided for in the agreement, but not beyond the duration of the agreement. The number of phased final maps which may be filed shall be determined by the Advisory Agency at the time of the approval or conditional approval of the tentative map.

"Public improvements", as used in this subdivision, include traffic controls, streets, roads, highways, freeways, bridges, overcrossings, street interchanges, flood control or storm drain facilities, sewer facilities, water facilities, and lighting facilities.

The final map or maps conforming to the approved or conditionally approved tentative map shall be filed with the Clerk of the Board of Supervisors in time so that the Board of Supervisors may approve the final map or maps prior to the expiration of the tentative map.

(b) If the subdivider files with the Department of Planning and Land Use a written application for an extension, the Advisory Agency may, in accordance with Section 81.313, at any time prior to or not later than 60 days following the expiration of said 36 months, grant an extension not exceeding 60 months subject to specified conditions. The application shall be filed no more than 180 days prior to such expiration. In the event the Advisory Agency denies a subdivider's application for extension, the subdivider may within 15 days appeal to the Board of Supervisors. Following the hearing on an appeal, the Board of Supervisors shall grant or deny the extension or grant the extension subject to specified conditions.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 4817 (N.S.), effective 1-29-77; amended by Ord. No. 5140 (N.S.), effective 5-25-78; amended by Ord. No. 5565 (N.S.), effective 8-23-79; amended by Ord. No. 5683 (N.S.), effective 2-14-80; amended by Ord. No. 5747 (N.S.), effective 5-6-80; Ord. No. 5771 (N.S.), adopted 5-20-80, effective 6-19-80, supersedes Ord. No. 5747; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6058 (N.S.), effective 6-25-81; amended by Ord. No. 6269 (N.S.), effective 5-20-82; amended by Ord. No. 6409 (N.S.), effective 8-27-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 7257 (N.S.), effective 1-16-87; amended by

Ord. No. 7819 (N.S.), effective 10-26-90; amended by Ord. No. 8811 (N.S.), effective 6-25-97; amended by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.308.5. EXTENSION OF TIME FILING FEE.

Any person filing a request for extension of time pursuant to Section 81.308 of this ordinance shall pay the filing fee as provided in this ordinance. The amount of said fee shall be determined no less than annually by the Board of Supervisors.

(Added by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 6715 (N.S.), effective 2-17-84)

SEC. 81.308.7. STAY OF TENTATIVE MAP TIME PERIOD DUE TO LITIGATION.

(a) Pursuant to paragraph (c) of Section 66452.6 of the Subdivision Map Act, the subdivider may apply to the Director for a stay of the time period for filing a final map specified in Section 81.308, if a lawsuit has been brought involving the approval or conditional approval of a tentative map. Such application may be filed at any time after service of the initial petition or complaint in the lawsuit and no later than six months after the lawsuit has been completed. Such application shall include information which the Director shall specify and shall be accompanied by a fee specified in Section 362 of the Administrative Code.

(b) Upon the filing of such an application, the Director shall provide notice of the receipt thereof to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. Said notice shall be sent via United States mail and the names and addresses of such owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector as contain more recent information. Said notice shall indicate that the Director will make a decision on the application and will consider any comments the addressee desires to submit so long as they are in writing and received no later than 20 days after the date notice was sent. The notice shall include information on methods by which the addressee may review and/or request notice or copies of the Director's decision and other pertinent information that the Director determines to be relevant.

(c) Factors which the Director may consider in determining whether to approve or deny the stay applied for include, but are not limited to, the following: (1) the current adequacy of environmental review which was performed for the tentative map approval in light of any new information or changes in circumstances, (2) the effect the filing of the lawsuit may have had upon the subdivider's ability to proceed with the project, (3) comments received from the subdivider and from

recipients of the notice required by paragraph (b) above, (4) any changes in laws, ordinances, regulations or policies applicable to the subdivision since the approval or conditional approval of the tentative map; (5) whether any changes in the kind, nature or extent of required improvements (including but not limited to roads, grading, sewer, water, fire protection, schools and flood control facilities) are appropriate. The Director may determine whether to seek recommendations from officials of other County departments or other agencies related to these issues.

(d) Within 40 days after receiving the application, the Director shall determine whether to approve, conditionally approve or deny the stay requested. If the Director approves or conditionally approves the stay, the Director's decision shall specify the duration of the stay, which shall not exceed a period of five years. Notice of the Director's decision shall be mailed to the subdivider and to any person who made request therefor pursuant to paragraph (b) above. Notice shall be deemed to have been given upon deposit thereof in the United States mail with postage thereon prepaid.

(e) In the event the Director denies or conditionally approves the stay requested, the subdivider may within 15 days appeal to the Board of Supervisors. The application for appeal shall include information which the Director shall specify and shall be accompanied by a fee specified in Section 362 of the Administrative Code. The Board shall hold a public hearing, and notice thereof shall be provided at least 10 days before the hearing, to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. Said notice shall be sent via United States mail and the names and addresses of such owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector as contain more recent information. Following the hearing on the appeal, the Board of Supervisors shall grant or deny the stay requested or grant the stay requested subject to specified conditions.

(Ord. No. 8545 (N.S.), effective 7-7-95)

SEC. 81.309. EXPIRED TENTATIVE MAP -- CONDITIONS FOR GRANTING TIME EXTENSION THEREOF.

Where a subdivider desires to refile a tentative map after proceedings thereon have terminated by reason of the expiration of the time allowed for filing the final map, such tentative map may be refiled in accordance with procedures specified in Section 81.312, upon payment of the fee prescribed in Chapter 2 of this division, provided the Director determines that all of the following conditions are present:

(a) No part of the land included within the subdivision shown on the approved tentative map has been sold or transferred.

(b) Establishment of the street pattern or lot design shown on the approved tentative map has not been made impractical or impossible by the installation of utilities, establishment of easements or rights of way, or the construction or establishment of buildings or structures on land within the subdivision or adjacent thereto.

(c) No final map or parcel map conflicting with the design or location of streets shown on the approved tentative map has been recorded or filed for record.

(d) Establishment of the street pattern or lot design shown on the approved tentative map has not been made impractical or impossible by the approval of any other tentative map.

(e) No plan or ordinance has been adopted, no regulation established and no annexation to a city or incorporation of a city has taken place since the approval or conditional approval of the approved tentative map which would require any change in the size, shape or design of the lots or the location, alignment, width or improvement of streets within the subdivision or adjacent to the boundaries thereof.

(f) No inspection of the property by any County officer or Department will be required other than to determine that the above enumerated conditions are present.

(g) No extension of time shall have been granted for such tentative map pursuant to Section 81.308(b).

(h) Not more than one (1) year shall have elapsed since the expiration date of the original tentative map.

The Director may require an affidavit of the subdivider that the conditions specified above in subparagraphs (a) and (b) are true.

A tentative map filed pursuant to this section shall expire thirty-six months from the date on which the first tentative map expired.

(Amended by Ord. No. 4817 (N.S.), effective 1-29-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5747 (N.S.), effective 5-6-80; Ord. No. 5771 (N.S.), adopted 5-20-80, effective 6-19-80, supersedes Ord. No. 5747; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6058 (N.S.), effective 6-25-81; amended by Ord. No. 6508 (N.S.), effective 3-1-83)

SEC. 81.310. REVISED TENTATIVE MAP.

Where a subdivider desires to revise or alter a proposed subdivision for which a tentative map has been approved, the subdivider may file a revised tentative map on payment of the fees

prescribed in Chapter 2 of this division.

(a) A revised tentative map shall conform to the following requirements:

(1) The proposed subdivision shown on such map shall generally conform to the street and lot pattern shown on the approved tentative map.

(2) The proposed subdivision shown on such map shall include only one contiguous area consisting of all or a portion of the subdivision shown on the approved tentative map together with such additional land, if any, as the subdivider desires to include.

(3) The map shall contain all of the information required on tentative maps and shall be accompanied by such data as is required to be filed with tentative maps.

(b) A revised tentative map may be filed within 36 months after the approval of the tentative map, or, if an extension of time is granted, within the period specified.

(c) Upon the filing of a revised tentative map and payment of the prescribed fee, such revised tentative map shall be processed in accordance with the procedures specified in Section 81.313.

The subdivider shall have 36 months from the approval or conditional approval of the original tentative map within which to record a final map, which 36 months period may be extended in accordance with the procedure and upon the terms prescribed in Section 81.308(b).

(d) Nothing in this section shall be construed as a limitation on the power of the Board of Supervisors or Planning Commission to approve alterations of a tentative map approved by such Board or Commission or to modify conditions imposed as a part of the approval of a tentative map.

(Amended by Ord. No. 4817 (N.S.), effective 1-29-77; amended by Ord. No. 5747 (N.S.), effective 5-6-80; Ord. No. 5771 (N.S.), adopted 5-20-80, effective 6-19-80, supersedes Ord. No. 5747; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6058 (N.S.), effective 6-25-81; amended by Ord. No. 6269 (N.S.), effective 5-20-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.311. REPLACEMENT TENTATIVE MAP.

A replacement tentative map may be submitted at any time prior to tentative map approval. A replacement tentative map shall be submitted when the Planning Commission or the Board of Supervisors finds that the number or nature of the changes necessary

for conditional approval are such that they can be shown more clearly and simply by such a map. Any person filing a replacement tentative map shall pay a deposit to the Department of Public Works in an amount sufficient to cover the actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

(Added by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7054 (N.S.), effective 11-15-85; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9290 (N.S.), effective 2-11-01; amended by Ord. No. 9533 (N.S.), effective 5-4-03; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.312. DUTIES OF DIRECTOR ON APPLICATIONS FOR REVISED OR EXPIRED TENTATIVE MAPS OR TENTATIVE MAP TIME EXTENSIONS OR MODIFICATIONS.

The Director is authorized and directed to carry out the duties assigned to him by this division including, but not limited to, the following:

(a) Provide notice of the receipt of an application for a revised or expired tentative map or tentative map time extension or modification as follows:

(1) Publish notice in a newspaper of general circulation published and circulated within the County of San Diego at least 10 days before making a preliminary decision pursuant to this Section.

(2) Provide mailed notice to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. Said notice shall be sent via United States mail and the names and addresses of such owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector as contain more recent information. Said notice shall indicate that the Director will make a decision on the application and will consider any comments the addressee desires to submit so long as they are in writing and received no later than 10 days after the date notice was sent. The notice shall include information on methods by which the addressee may review and/or request notice or copies of the Director's preliminary decision and other pertinent information that the Director determines to be relevant.

(b) Investigate each application filed pursuant to this section and indicate by written report the kind, nature and extent of any additional improvements required to be installed on or to serve the land to be subdivided as a result of the application.

(c) Obtain the recommendation of:

(1) The Director of Public Works, Director of the Department of Environmental Health, or their authorized representatives with respect to the design of the proposed subdivision and the kind, nature, and extent of the proposed improvements, including but not limited to, sewer, water and school services.

(2) The Chief of the local fire district, or if there is no local fire district, the County Fire Warden, with respect to fire hydrants and connections to be installed, wherever such installations are proposed.

(3) Other County departments, governmental agencies, or special districts as may be deemed appropriate or necessary by the Director in order to carry out the provisions of this division.

(d) For a revised tentative map, in addition to the recommendations listed in subsection (c) above regarding proposed improvements, obtain the recommendation of the Director of Parks and Recreation or his/her authorized representative with respect to proposed trail or pathway improvements.

(e) Preliminarily approve, conditionally approve, or disapprove the application pursuant to the procedure specified in Section 81.313. (Added by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 9701 (N.S.), effective 3-4-05)

SEC. 81.313. ACTION BY DIRECTOR ON APPLICATIONS FOR REVISED OR EXPIRED TENTATIVE MAPS OR TENTATIVE MAP TIME EXTENSIONS OR MODIFICATIONS.

Applications for revised or expired tentative maps, or extensions of time and resolution amendments or modifications of tentative maps shall be acted on by the Director in the following manner:

(a) Within two (2) working days after an application has been filed, the Director shall transmit copies together with accompanying information to the public agencies and public or private utilities specified in Section 81.312 and such others as the Director determines may be concerned. Each of the public agencies and utilities shall, within 20 calendar days after the application has been sent to such agency, forward to the Director a written report of its findings and recommendations thereon.

(b) The Director shall make a preliminary decision to approve, conditionally approve or disapprove the application within 30 days from the date that environmental review has been completed. Notice of such decision, together with the reasons therefor in the event of a disapproval, shall be provided to the subdivider and to any person who made request therefor pursuant to Section 81.312(a). Notice shall

be deemed to have been given upon deposit of the notice in the United States mail with postage thereon paid.

(c) The Director shall also file a copy of the preliminary decision with the applicable Advisory Agency pursuant to Section 81.304(d)(1) through (5) for consideration as an informational agenda item at the next regularly scheduled meeting following the review period specified in Section 81.312.

(d) In the event no request for a public hearing is received by the Advisory Agency on such application and the Advisory Agency takes no action to initiate a hearing, the preliminary decision shall become final as the Advisory Agency decision effective immediately and notice of such final decision shall be provided to the subdivider and to any person who made a request therefor pursuant to Section 81.312 (a).

(e) In the event of a request for a public hearing is received by the Director or Advisory Agency on such application or the Advisory Agency takes action to initiate a hearing, the Advisory Agency shall schedule a hearing in accordance with Section 81.304 within 50 days from the date that environmental review has been completed. Said 50-day period may be extended upon consent of the subdivider and, if the request for hearing was made by the subdivider and the hearing cannot be scheduled within such time, such request shall be deemed to constitute consent of the subdivider to extend said period for a reasonable time. Notice of the Advisory Agency decision shall be provided to the subdivider and any person who made the request therefor pursuant to Section 81.312(a). The decision of the Advisory Agency may be appealed to the Planning Commission and/or the Board of Supervisors in accordance with the procedure set forth at Section 81.307.

(f) Any request for a public hearing shall state reasons why the preliminary decision should not become final and indicate where the Director erred in making said preliminary decision.

(Added by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6644 (N.S.), effective 9-23-83; amended by Ord. No. 8051 (N.S.), effective 5-8-92; amended by Ord. No. 8811 (N.S.), effective 6-25-97; amended by Ord. No. 9227 (N.S.), effective 7-21-00)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS*

DIVISION 1. SUBDIVISION OF LAND

CHAPTER 4. MAJOR SUBDIVISIONS -- REQUIREMENTS

CHAPTER 4. MAJOR SUBDIVISIONS -- REQUIREMENTS

SEC. 81.401. DESIGN OF SUBDIVISION.

All major subdivisions shall conform to the following requirements as to design:

- (a) No lot shall include land in more than a single tax code area.
- (b) Every lot shall contain the minimum lot area specified in The Zoning Ordinance for the zone in which said lot is located at the time the final map is submitted to the Board of Supervisors for its approval; provided, however, if no lot area is established by The Zoning Ordinance, every lot shall contain a net area of no less than 6,000 square feet.
- (c) Every lot shall front on a dedicated road, a road offered for dedication, or a private road easement, as required by Section 81.402 or the conditions of approval of the tentative map.
- (d) Every lot shall be at least 50 feet wide exclusive of side yards required in the zone in which the lot is located measured at the right-of-way line, provided that no lot shall measure less than 60 feet wide measured at the right-of-way line.
- (e) Lots whose side lines are approximately radial to the center of a cul-de-sac or the center of the intersection of two dead end roads shall have at least 33 feet of frontage measured at the right-of-way line.
- (f) Panhandle-shape lots shall have minimum frontage of 24 feet on a dedicated road or private easement road except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which said panhandle is a part nor shall any panhandle have a length of more than two-thirds the distance from the road on which the panhandle fronts to the rear lot

line.

(g) Through lots shall not be allowed unless vehicular access rights are relinquished to one of the abutting roads.

(h) The side lines of all lots shall be at right angles or radial to the road upon which the lots front with a maximum deviation of up to 10 degrees allowed.

(i) Lot depth shall be at least 90 feet and shall be no greater than three times the average width.

(j) Whenever practicable, subdivision of residential property abutting roads shown on the Circulation Element of the San Diego County General Plan, railroads, transmission lines and open flood control channels shall be designed so that the lots do not face on such rights-of-way.

(k) Whenever practicable side and rear lot lines shall be located along the top of man-made slopes instead of at the toe or at intermediate locations on said slopes.

(l) Bicycle routes shown on the San Diego County General Plan shall be included in the subdivision provided such routes are reasonably related to the traffic caused by the subdivision. Whenever rights-of-way for roads are required to be dedicated in subdivisions containing 200 or more lots, the subdivider shall include bicycle routes when necessary and feasible for the use and safety of the residents.

(m) No tentative subdivision or parcel map received on or after October 1, 1979 shall be approved unless each lot within the subdivision can be demonstrated by the subdivider to have unobstructed access to sunlight to an area of not less than 100 square feet, falling in a horizontal plane 10 feet above the grade of the buildable area of the lot. The condition of unobstructed solar access shall be considered to be achieved when a specific area of not less than 100 square feet has been unobstructed skyview of the sun between azimuths of the sun at 45 degrees to the east and 45 degrees to the west of true south on December 21. The purpose of this requirement is to assure solar access to solar water heating systems as required by San Diego County Code Section 53.119, located on a future structure built on the lot.

(1) This requirement shall not apply to specific lots whenever a subdivider can demonstrate that it is infeasible to comply due to:

i. A finding that the provisions of this section will result in reducing allowable densities under applicable planning and zoning in force at the time the tentative map is filed.

ii. A finding that the provisions of this section will result in reducing the percentage of a lot which may be occupied by a building or structure under applicable planning and zoning in force at the time the tentative map is filed.

iii. A finding that compliance cannot be accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

iv. A finding that it is infeasible to comply due to topographic conditions on or surrounding the land being subdivided, the configuration or orientation of the property being subdivided or existing road patterns contiguous to the subject property.

v. A finding that the nature of the existing or allowed future development contiguous to the subject property precludes adequate solar access to specific lots.

(2) For purposes of this section, a tentative map or tentative parcel map is "received" on the date when the applicable fees are paid and map is stamped "received" by the Department.

(n) The design of the subdivision shall reflect non-motorized vehicle trails required pursuant to Section 81.402(u).

(Amended by Ord. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5589 (N.S.), effective 9-20-79; amended by Ord. No. 5890 (N.S.), effective 10-30-80; amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 6908 (N.S.), effective 2-8-85; amended by Ord. No. 8228 (N.S.), effective 5-7-93; amended by Ord. No. 8690 (N.S.), effective 7-5-96; amended by Ord. No. 9063 (N.S.), effective 8-13-99)

SEC. 81.402. DEDICATION AND ACCESS.

No final map filed pursuant to Chapter 3 of this division shall be approved unless and until the following conditions have been satisfied:

(a) Urban Development Areas. Where land to be subdivided is located in the Urban Residential #3 through #10 designations as defined by the Land Use Element of the San Diego County General Plan, all major subdivisions shall provide access by:

(1) Roads dedicated and improved in accordance with San Diego County Standards with right-of-way width of from 52 to 60 feet on-site and no less than 40 feet off-site; except;

(2) Roads offered for dedication which will ultimately serve not more than an estimated 100 average daily trips (ADT). When

dedication is not accepted prior to approval of the final map, a private road easement not less than 40 feet in width shall be approved in lieu thereof, centered within the offered right-of-way, and improved in accordance with County Standards for Private Roads.

(b) Non-Urban Development Areas Where land to be subdivided is located in the Urban Residential #1, #2, and all of the Non-Urban Residential, Agricultural and Special Purpose designations, #17 through #25, except #21 Specific Planning Area, as defined by the Land Use Element of the County General Plan, all major subdivisions shall provide access by:

(1) Private road easement not less than 40 feet in width improved in accordance with County Standards for Private Roads, except;

(2) On-site roads in areas designated for 1 or 2 acre minimum parcels by the County General Plan and which will ultimately serve an estimated 750 to 2500 ADT. Such roads shall be offered for dedication in accordance with County Standards with right-of-way width of 50 or 60 feet. When dedication is not accepted prior to approval of the final map, a private road easement not less than 40' in width shall be approved in lieu thereof, centered within the offered right-of-way, and improved in accordance with County Standards for Private Roads; and,

(3) On-site or off-site roads which will ultimately serve more than an estimated 2500 ADT shall be dedicated and improved in accordance with County Standards with right-of-way width not less than 60 feet in width, unless otherwise specified in the conditions of approval of the tentative map.

(c) Private Road Maintenance

(1) Private roads will be maintained either through private road maintenance agreements or through a County Service Area (CSA), as determined by the Director of Public Works.

(2) In the case where standards of an existing CSA to which a subdivision is to be annexed are different from those specified, the standards of the existing CSA shall prevail.

(d) Where land to be subdivided is located in the Specific Planning Area designation as defined by the Land Use Element of the San Diego County General Plan, streets providing on-site and off-site access shall be designed and improved to those standards necessary to implement the development density design and objectives of an adopted Specific Plan as determined by the Director of Public Works.

(e) Where land to be subdivided is located in any commercial or

industrial designation defined by the Land Use Element of the County General Plan, streets providing on-site and off-site access shall be dedicated and improved in accordance with San Diego County Standards.

(f) All dedicated roads which are proposed on the boundaries of a subdivision shall not be less than 40 feet in width together with a strip of land one-foot wide on its outer edge which shall be offered to the County for road purposes and over which access rights are relinquished.

(g) All dedicated roads proposed to be terminated at the subdivision boundary shall include a strip of land one foot wide extending across said street at its point of termination at said boundary which shall be portions of the adjacent lots, offered for road purposes and over which access rights are relinquished.

(h) Dead-end private road easements shall include a cul-de-sac with a minimum easement radius of 34 feet.

(i) Where it is necessary to extend a road beyond the boundaries of a subdivision to provide adequate circulation and fire protection for residents of the subdivision, the subdivider shall obtain the necessary easements therefor, which easements shall be dedicated or offered for dedication to the County when required by other provisions of this Section and shall improve said easements in accordance with San Diego County Standards or with County Standards for Private Roads as may be applicable.

(j) Where land to be subdivided is bounded by any water body such as an inlet, bay, estuary, lagoon, river or by the Pacific Ocean, there shall be a street along such water body or other adequate public access shall be required. Where said land is bounded by the Pacific Ocean, irrevocable offers of dedication to the public of an absolute right of traverse along the beach shall be required. This dedication shall include all of the area within the subdivision lying between the mean high tide (M.H.T.) line and the 10 foot elevation or base of the coastal bluffs, whichever is closer to the ocean, or from the M.H.T. line to the first line of vegetation in the case of an estuary mouth beach.

(k) Where a drainage or flood control facility is necessary for the use of lot owners or for the protection of lots, adequate rights-of-way for such facilities shall be offered for dedication to the County or such other public entities as the Advisory Agency designates and shall be shown on the map.

(l) Where it is necessary to extend a drainage or flood control facility beyond the boundaries of the subdivision for adequate drainage or flood control needs, the required public rights-of-way

shall be provided. Such rights-of-way shall provide for the ultimate facility construction in accordance with the County Standards.

(m) Where it is necessary to extend sewer systems beyond the boundaries of the subdivision, the subdivider shall provide all necessary easements and right-of-way to accommodate the facility and structures.

(n) The subdivider shall offer to dedicate land for park purposes, pay fees in lieu thereof, or do a combination of both, pursuant to Chapter 1 of Division 10 of Title 8 of this Code.

(o) The subdivider shall offer to dedicate the necessary right-of-way for bicycle routes in accordance with County Standards under the following circumstances:

(1) When such routes as shown on the County General Plan pass through or abut the subdivision; and/or

(2) When a subdivider is required to dedicate rights-of-way for streets in subdivisions containing 200 or more lots and such route is necessary and feasible for the use and safety of the residents.

(p) Any tentative map approved subject to the condition that there be dedicated an interest in real property outside the boundaries of the subdivision shall also be subject to the condition that no grading permit shall be issued pursuant to the tentative map unless and until either:

(1) Said interests in real property have been acquired by the subdivider or the public agency concerned in a form satisfactory to the Director of Public Works; or

(2) The Board of Supervisors has agreed to acquire said interests in real property.

(q) Where off-site access will not serve as access to on-site roads to be maintained by the County or a County Service Area, no dedication or offer of dedication shall be required for residential roads providing off-site access to the land to be subdivided when the Advisory Agency has determined that a practical difficulty in obtaining rights over intervening land makes dedication or any offer of dedication impossible or circumstances such as location, traffic volume or use make such dedication or offer of dedication unwarranted.

(1) When such determination has been made, a private road easement not less than 40 feet in width shall be approved in lieu of such dedication or offer of dedication.

(2) Where such private road easement is approved, the subdivider shall obtain documentation from a title company that the owner and his/her successors have the right to use such private road easement for the lots to be created prior to the approval of the final map.

(r) In Non-Urban Development Areas, offers of dedication may be required when the Director of Public Works determines that a high probability exists that a proposed private road may need to be brought into the County-maintained system at some future date.

(s) All utility easements which are acquired after the issuance of the Resolution of Approval (Notice of Approval) shall be subordinated to any Public Dedications which are required as a condition of said approval with the exceptions of major transmission facilities, mains and lines as determined by the Director of Public Works.

(t) Easements for Public Utilities may be dedicated to and accepted by a Public Utility by certificate on the map.

(u) If any part of a trail corridor is located on the property to be subdivided, the subdivider shall prepare a trail route study to determine the specific location of the trail or pathway within the trail corridor and the type of trail or pathway to be constructed. The trail corridor concept is described in section 6.1 of the Community Trails Master Plan (CTMP). Trail corridors are shown in the individual community trail maps in the CTMP or in the Regional Trails Map in the Public Facilities Element. Trail types are discussed in sections 7.1, 7.2 and 7.3 of the CTMP. The trail route study shall be prepared to the satisfaction of the Director of Parks and Recreation or his/her designee. The route study shall apply the trail design and locational criteria and the design and construction guidelines in the CTMP. The subdivider shall offer to dedicate a trail or pathway easement on the alignment specified in the trail route study if (1) the trail route study as approved by the County concludes that all or part of the trail or pathway should be located in the trail corridor or portion thereof that is on the property to be subdivided; and (2) there is the necessary rough proportionality between the required dedication and the impacts of and/or benefits to the proposed subdivision. The trail or pathway shall be for pedestrians, equestrians and bicycles.

(Amended by Ord. No. 4500 (N.S.), effective 5-29-75; amended by Ord. No. 4992 (N.S.), effective 11-10-77; amended by Ord. No. 5140 (N.S.), effective 5-25-78; amended by Ord. No. 5890 (N.S.), effective 10-30-80; amended by Ord. No. 6017 (N.S.), effective 5-7-81; amended by Ord. No. 6167 (N.S.), effective 10-22-81; amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 6438 (N.S.), effective 10-15-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6751 (N.S.), effective 5-4-84;

amended by Ord. No. 8228 (N.S.), effective 5-7-93; amended by Ord. No. 9063 (N.S.), effective 8-13-99; amended by Ord. No. 9701 (N.S.), effective 3-4-05; amended by Ord. No. 9719 (N.S.), effective 6-17-05)

SEC. 81.402.1. REIMBURSEMENT AGREEMENTS.

A subdivider may be required to install sewerage, drainage, flood control, bridge, and/or road improvements for the benefit of the subdivision with supplemental size, capacity or number for the benefit of property not within the subdivision and dedicate such improvements to the public. In such event, the County of San Diego, the San Diego County Flood Control District or a County Sanitation District of whose governing board the members of the San Diego County Board of Supervisors are members shall enter into an agreement with the subdivider to reimburse the subdivider for that portion of the cost of such improvements equal to the difference between the amount it would have cost the subdivider to install such improvements to serve the subdivision only and the actual cost of such improvements.

The reimbursement agreements may provide for the financing of the improvements through an assessment district, private agreement, or any other method authorized by law, County ordinances, or the San Diego County Flood Control District Act, which authority is now existing, pending, or established at a future date.

(Added by Ord. No. 4992 (N.S.), effective 11-10-77; repealed and reenacted by Ord. No. 5899 (N.S.), effective 11-6-80; amended by Ord. No. 8690 (N.S.), effective 7-5-96)

SEC. 81.403. REQUIRED IMPROVEMENTS.

(a) The subdivider shall be required to perform or agree to perform the following before approval of any final or parcel map of a major subdivision:

(1) Grade and improve all land dedicated or to be dedicated for roads or easements, bicycle routes, and all private roads and private easements laid out on a final map or parcel map, in such manner and with such improvements as are necessary for the use of the lot owners in the subdivision, local neighborhood traffic, and drainage needs in accordance with San Diego County Standards.

(2) Install all on-site and off-site drainage and flood control facilities required by the Director of Public Works in conformance with County Standards. When it is determined that construction of off-site facilities to the ultimate County Standards is unreasonable, staged construction may be permitted when the Board of Supervisors has determined there is a substantial public benefit, and:

(i) Drainage and flood control facilities required pursuant to this ordinance, which are outside the boundaries of the subdivision, may be constructed in stages in conformance with County Standards and shall provide for no increase in existing or potential flood hazards to downstream properties. Staged facilities shall provide for increases in flood flows attributable to a proposed development, and the cumulative effect of future developments in the watershed pursuant to current County policy regarding staged construction.

(ii) Design of staged facilities shall include provisions for minimum maintenance requirements including, but not limited to, vehicular access, erosion and sedimentation control, structural low flow channels, and service roads, plus landscaping and irrigation where appropriate.

(3) Provide proof satisfactory to the Director of Planning and Land Use that the serving water district has certified that adequate potable public water supply is available to each lot or parcel or to the Director of the Department of Environmental Health that there exists an adequate potable well water supply available to each lot or parcel. The subdivider shall install minimum water supply pipe as determined by the Director of Public Works and recommended by the water district serving the proposed subdivision.

(4) Install fire hydrants and connections as approved by the chief of the local fire district or the County Fire Marshal.

(5) Install a public system for sewers or sewage disposal serving all proposed lots or parcels as a condition precedent to the approval of any parcel map or final map where it is determined that such system is required to preserve the public health due to the size and shape of the proposed lots, the terrain and soil condition of the land to be subdivided, and the existing development in the vicinity of the proposed subdivision. Such public system shall be approved by the serving district according to their standards and policies.

(6) Underground all new and existing utility distribution facilities, including cable television lines, within the boundaries of any new subdivision or within any half road abutting a new subdivision. The subdivider is responsible for complying with the requirements of this Subsection and he shall make the necessary arrangements with each of the serving utilities, including licensed cable television operators for the installation of such facilities. Transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to such underground utilities and street lighting systems may be placed above ground. The provisions of this Subsection shall not apply to the installation and maintenance of overhead electric transmission lines in excess of 34,500 volts and long distance and trunk communication facilities. When the installation of cable television lines is required, the

subdivider shall provide the Director of Public Works with either documentation from a licensed cable television operator stating arrangements for the underground installation of cable television lines have been made; or documentation that the Cable Television Review Commission has reported that no licensed cable television operator is willing and able to install cable television lines in the subdivision. Any modification or waiver of the requirements of this Subsection shall be reviewed in accordance with the Board of Supervisors Policy "Undergrounding of Utilities."

(7) Construct a street lighting system as required by the Director of Public Works in conformance with County Standards.

(8) Grade and improve all land dedicated or to be dedicated for trails or pathways including land previously dedicated for a road which includes sufficient right-of-way for a pathway. Trail improvements shall be made in accordance with the trail standards specified in section 7, "Design and Construction Guidelines," of the CTMP for the type of trail to be developed. Pathway improvements shall be made in accordance with the standards for pathways in the San Diego County Public Road Standards.

(b) Where each parcel on a parcel map for a major subdivision contains a gross area of 20 acres or more, the subdivider shall be required to:

(1) Grade and improve private roads to grades and widths required in accordance with County Standards for Private Roads;

(2) Install all drainage structures and facilities required by the Director of Public Works in conformance with County Standards; and

(3) Install water supply pipelines, fire hydrants and connections as may be required by the Planning Commission or Board of Supervisors.

(4) Grade and improve all land dedicated or to be dedicated for trails or pathways including land previously dedicated for a road which includes sufficient right-of-way for a pathway. Trail improvements shall be made in accordance with the trail standards specified in section 7, "Design and Development Guidelines," in the Community Trails Master Plan for the type of trail to be developed. Pathway improvements shall be made in accordance with the standards for pathways in the San Diego County Public Road Standards.

(c) All drainage and flood control improvements shall conform to applicable floodplain overlay zoning and drainage and flood control policies of the County General Plan.

(Amended by Ord. No. 4931 (N.S.), effective 7-7-77; amended by Ord. No. 4992 (N.S.), effective 11-10-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5736 (N.S.), effective 5-29-80; amended by Ord. No. 5890 (N.S.), effective 10-30-80; amended by Ord. No. 5949 (N.S.), effective 1-8-81; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6256 (N.S.), effective 4-15-82; amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 9063 (N.S.), effective 8-13-99; amended by Ord. No. 9675 (N.S.), effective 10-22-04; amended by Ord. No. 9701 (N.S.), effective 3-4-05; amended by Ord. No. 9719 (N.S.), effective 6-17-05)

SEC. 81.403.1. EXTENSION OF TIME TO CONSTRUCT REQUIRED IMPROVEMENTS.

Where the subdivider agrees to install the required public improvements pursuant to Section 81.403, the agreement shall provide that the public improvements shall be completed within two years following recordation of the map. The time for completion of the public improvements may be extended once, for no more than two additional years, by the Director of the Department of Public Works; provided, however, that the Director may not grant such extensions for completion of the public improvements if the subdivider has previously received a time extension or has substituted security for the security originally furnished under Section 81.406. The Board of Supervisors, however, at the subdivider's request or upon its own motion, may grant additional time extensions, on a case-by-case basis, as it deems appropriate for completion of the public improvements.

(Added by Ord. No. 8343 (N.S.), effective 2-5-94; amended by Ord. No. 8393 (N.S.), effective 6-10-94)

SEC. 81.404. MONUMENTS.

(a) Except as provided at paragraph (b), every final map shall show the following monuments which shall be set by a licensed surveyor or registered civil engineer:

(1) **Boundary Monuments:** The exterior boundary of the subdivision shall be monumented with permanent monuments not smaller than two inch (2") iron pipes at least twenty-four inches (24") long set at each corner, at intermediate points along the boundary not more than one thousand feet (1,000) apart and at the beginning and end points of all curves; provided, if any existing record and identified monument meeting the foregoing requirements is found at any such corner or point, such monument may be used in lieu of a new monument.

(2) Lot corner monuments: All lot corners, except when coincident with exterior boundary corner, shall be monumented with permanent monuments of one of the following types: (i) Three-fourth inch (3/4") diameter iron pipe at least eighteen inches (18") long. (ii) One-half inch (1/2") diameter steel rod at least eighteen inches (18") long. (iii) Lead plug and copper identification disks set in concrete sidewalks or curbs.

(3) Such additional monuments to mark the limiting lines of streets as the Director of Public Works may require.

(4) All other monuments set or proposed to be set.

(b) Every final map which is proposed to revert the subject land to acreage pursuant to Government Code Section 66499.11 and following, shall show at least one exterior boundary line monumented in the manner specified by paragraph (a)(1) above.

(c) The subdivider shall cause the foregoing monuments to be set by a licensed surveyor or registered civil engineer.

(d) All monuments and their installation shall conform to the San Diego County Standards.

(e) All of the foregoing monuments shall be set prior to the approval of the map by the Board of Supervisors unless the setting thereof is deferred in accordance with Section 66496 of the Subdivision Map Act; provided, however, the setting of exterior boundary monuments shall not be deferred unless the Director of Public Works determines that such monuments might be disturbed by the construction of improvements. The setting of exterior boundary monuments may be deferred only if prior to the approval of the map by the Board of Supervisors.

(f) Where the setting of monuments is deferred following filing of a final map, such monuments shall be set within 30 days after the completion of the required improvements. All monuments set along and within the public right-of-way of the subdivision shall be inspected and be satisfactory to the Director of Public Works before the improvements are accepted by the Board of Supervisors. Additional monuments may be inspected by the County, upon written request from the responsible surveyor.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 6552 (N.S.), effective 4-15-83; amended by Ord. No. 8393 (N.S.), effective 6-10-94; amended by Ord. No. 9623 (N.S.), effective 2-8-04)

SEC. 81.405. AGREEMENT TO IMPROVE.

Where the subdivider elects to agree to construct improvements or, if authorized by the Board of Supervisors to contract to initiate and consummate special assessment district proceedings in lieu of constructing improvements, all as provided in Section 66462 of the Subdivision Map Act, he shall prepare and deposit with the Clerk of the Board of Supervisors detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be made a part of any such agreement or contract and of the improvement security.

SEC. 81.406. IMPROVEMENT SECURITY.

(a) When the subdivider enters into an agreement to construct required improvements, the subdivider shall deposit with the Clerk of the Board of Supervisors one of the following types of security in a form approved by the County Counsel:

(1) A bond or bonds as prescribed in Subsection (a)(1) of Section 66499 of the Government Code;

(2) A deposit of money or negotiable bonds as prescribed in Subsection (a)(2) of said Section 66499;

(3) An instrument of credit as prescribed in Subsection (a)(3) of said Section 66499;

(4) An irrevocable standby letter of credit issued by a bank or other financial institution subject to regulation by the state or federal government; or

(5) A corporate guarantee from a corporation which is not a signatory to the agreement to construct improvements, and which is not controlled by such a signatory, which the Board of Supervisors finds will provide a level of protection to the County equivalent to the above forms of security.

(b) Said security shall be in the following amounts:

(1) A faithful performance subdivision improvement security of one hundred percent (100%) of the total estimated cost of the improvement.

(2) A labor and materials security of fifty percent (50%) of the total estimated cost of the improvements.

(c) Ninety-five percent (95%) of the faithful performance subdivision improvement security shall be released upon completion and acceptance of the work required under the agreement for the guarantee and warranty of said work. The remaining five percent (5%) of the faithful performance subdivision improvement security shall

continue in effect for a period of one year following the completion and acceptance of said work.

(Added by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5342 (N.S.), effective 2-8-79; amended by Ord. No. 5621 (N.S.), effective 11-22-79; amended by Ord. No. 8499 (N.S.), effective 3-3-95; amended by Ord. No. 8690 (N.S.), effective 7-5-96)

SEC. 81.406.1. LIEN CONTRACT AS SECURITY.

(a) Pursuant to Government Code Section 66499(a)(4), the subdivider may, in lieu of posting the security described in Section 81.406, enter into an agreement with the County to construct the required improvements in the future, securing such performance by granting the County a lien on the property to be subdivided. Such agreements shall be known as "lien contracts." Government Code Section 66499(a)(4) authorizes the County to enter into lien contracts if it is found that it would not be in the public interest to require the installation of the required improvement sooner than two years after the recordation of the map.

(b) Where the appropriate findings have been made pursuant to Government Code Section 66499(a)(4), the subdivider may execute a lien contract with the County at the time the subdivider enters into an agreement with the County to construct required improvements pursuant to Section 81.403. A lien contract may also be used to substitute existing security which was furnished under Section 81.406; provided, however, that use of a lien contract as substitution for existing security shall be at the County's sole option. Notwithstanding any provisions of the foregoing to the contrary, however, the County will not accept a lien contract from any subdivider, either at the time of execution of the agreement to construct subdivision improvements, or as a substitute for existing security, if any lots have been sold, if permits have been issued on any of the property, or if construction of any of the required improvements has begun.

(c) Lien contracts shall:

- (1) Be used only when in the absence of this Section, a subdivider would be required by Section 81.403 to construct or agree to construct the required improvements.
- (2) Be used to secure future improvements in easements, rights-of-way, rejected offers of dedication or irrevocable offers of dedication.
- (3) Be in a form acceptable to and approved by County Counsel.
- (4) Contain an itemization of the required improvements and an

estimate of cost approved by the Director of the Department of Public Works and shall specify that the subdivider's or subsequent owner's obligation extends to the actual cost of construction if such costs exceed the estimate.

(5) Be recorded with the County Recorder and have the priority of a judgement lien as prescribed by Government Code Section 66499 (b).

(6) Be approved concurrently with the approval of the map with a note of the lien contract's existence placed on the map, except where the lien contract is being substituted after map approval for other security already deposited pursuant to Section 81.406, in which case the lien contract shall be signed and acknowledged by all parties having any record title interest in the real property, as prescribed by Government Code Section 66436, consenting to the subordination of their interests to the lien contract.

(d) The lien contract shall provide that the subdivider shall substitute acceptable security for the lien contract and commence to construct the improvements required pursuant to Section 81.403 (i) within two years following recordation of the map, or (ii) in the case of a lien contract which has been substituted for existing security pursuant to Section 81.406.1(b), above, within two years following recordation of the lien contract.

(e) For lien contracts executed at the time of recordation of the map, the time for substitution of acceptable security and commencement of construction of the required improvements may be extended once, for no more than two additional years, by the Director of the Department of Public Works. The Director may not grant such extensions if the subdivider has substituted a lien contract for the security originally furnished under Section 81.406. The Board of Supervisors, however, at the subdivider's request or upon its own motion, may grant additional time extensions, on a case-by-case basis, as it deems appropriate, for substitution of acceptable security and commencement of construction of the required improvements pursuant to agreements secured either by (i) lien contracts executed at the time of recordation of the map, or (ii) lien contracts substituted for existing security furnished under Section 81.406.

(f) During the term of the lien contract, legal ownership of the property to be subdivided shall be transferred to a holding company approved by the Director of the Department of Public Works. No individual lots may be sold while the lien contract is in force. Fee title to the entire property encumbered by the lien contract, however, or to all lots designated on any individual final map which is encumbered by the lien contract, may be sold in the aggregate to a single purchaser provided, that the proposed purchaser of the property must, prior to assuming title to the property, either (i) execute a new lien contract in

a form acceptable to the County which will encumber the property to be conveyed, specifying the respective obligations of the owners of property subject to the original and such new lien contract, or (ii) provide acceptable alternative security for the improvements the County requires be constructed as a condition to development of the property conveyed, pursuant to Section 81.406. Any new lien contract must require that acceptable security be substituted therefor, and the improvements secured thereby commenced by the same date provided in the lien contract with the original owner, unless such date shall be extended by the Board of Supervisors as provided in Section 81.406.1 (d), above.

(g) At the time the Board of Supervisors approves a lien contract, the subdivider shall provide a cash deposit in the amount of \$15,000 to the Clerk of the Board for the purpose of reverting the property to acreage if the subdivider breaches the terms of the lien contract. In addition, at such time as title to any property subject to a lien contract shall be conveyed, the transferee thereof, if such transferee executes a new lien contract to secure construction of the improvements imposed upon such property as described in Section 81.406.1(f), above, shall also provide a cash deposit in the amount of \$15,000 to the Clerk of the Board for the purpose of reverting the property to acreage if the subdivider breaches the terms of the lien contract. The effect of these requirements shall be that each owner of property which is encumbered by a lien contract shall at all times have \$15,000 per lien contract encumbering such owner's property on deposit with the County for the purpose described herein. Any unused portion of any such deposit shall be refunded to the subdivider following completion of such reversion. If the costs of reverting the property to acreage exceed \$15,000, the subdivider shall pay such additional costs to County prior to recordation of the reversion to acreage map.

(h) When a lien contract is utilized as security upon approval of the map, the provisions of Section 81.402 and Section 81.403 to the contrary notwithstanding, offers of dedication for street purposes will not be accepted until the lien contract is released following substitution of acceptable alternative security and the required improvements are completed to the satisfaction of the Director of the Department of Public Works.

(i) The lien contract shall be released upon (i) substitution by the subdivider of acceptable security for the lien contract under Section 81.406 in order to begin construction of the required improvements, or (ii) recordation of a reversion to acreage map.

(Added by Ord. No. 8343 (N.S.), effective 2-5-94; amended by Ord. No. 8393 (N.S.), effective 6-10-94)

SEC. 81.407. AGRICULTURAL SUBDIVISIONS.

When the land to be subdivided is located within the boundaries of an Agricultural Preserve established by the Board of Supervisors and the owner thereof has entered into a Land Conservation Contract with the County, a tentative map may be filed proposing lots no smaller than specified in said contract. Other provisions of this division to the contrary notwithstanding, the dedication and improvement requirements for an agricultural subdivision shall be as follows:

(a) Dedication

(1) The road or roads providing access to an agricultural subdivision shall meet the same standards of easement width and improvements as required for access to a minor subdivision pursuant to Section 81.703(b).

(2) Except as required by paragraph (a)(1) above, agricultural subdivisions shall not be subject to the dedication requirements set forth in Sections 81.402(a), (b), (f), (g), (h) and (m) of this division.

(b) Required Improvements

(1) The subdivider shall be required to:

(i) Grade and improve roads in accordance with County Standards for Private Roads.

(ii) Install all drainage and erosion control structures, surfacing and facilities required by the Director of Public Works and in accordance with County Standards.

(iii) Install water supply pipelines, fire hydrants and connections as may be required by the Planning Commission or Board of Supervisors.

(2) Where a major subdivision is an agricultural subdivision as defined in Section 81.102.1.5 and each parcel shown on such parcel map contains a gross area of 20 acres or more, the subdivider shall meet all improvement requirements as specified in Section 81.407(b)(1) above.

(3) Except as required by Section 81.407(b) and (1) and (2) above, agricultural subdivisions shall not be subject to the improvement requirements set forth in Section 81.403(a)(6), (a)(7), and (b) of this division.

(Added by Ord. No. 5189 (N.S.), effective 7-20-78; amended by Ord. No. 5890 (N.S.), effective 10-30-80; amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 9063 (N.S.), effective 8-13-99; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.409. [RESERVED.]

(Added by Ord. No. 5342 (N.S.), effective 2-8-79; repealed and added by Ord. No. 6224 (N.S.), effective 2-18-82; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 6594 (N.S.), effective 7-1-83; repealed by Ord. No. 7290 (N.S.), effective 5-29-87)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 5. FINAL MAP REQUIREMENTS**

CHAPTER 5. FINAL MAP REQUIREMENTS

SEC. 81.501. MAPS TO CONFORM TO REQUIREMENTS.

All final maps shall conform to the requirements of the Subdivision Map Act and this division and also shall conform to the requirements and conditions of the tentative map approval. Where question arises as to conformance with any of the abovementioned requirements, the Director shall make a recommendation to the Board of Supervisors as to whether the final map is in substantial conformance with the approved tentative map.

(Amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6508 (N.S.), operative 3-1-83)

SEC. 81.502. BOARD OF SUPERVISORS TO APPROVE MAPS.

No final map shall be filed in the office of the County Recorder until approved by the Board of Supervisors.

SEC. 81.503. REQUIRED OFFER OF DEDICATION.

As a condition precedent to the approval by the Board of Supervisors of any final map, all parcels of land shown thereon, and intended for any public use shall be offered for dedication for public use except those parcels, other than streets, intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

SEC. 81.504. GRANT OF OPEN SPACE EASEMENT.

In the event that a grant of an open space easement is to be made over any portion of the subdivision, the final map shall contain a certificate signed and acknowledged by those parties having any record title interest in the subdivided land granting such open space easement and stating the conditions of the grant.

SEC. 81.504.5. NONTITLE INFORMATION.

In the event that additional survey and map information as defined and described in Section 81.102.11.5 of this division is required to be placed on the final map, such information shall be placed on an additional map sheet or sheets. The additional sheets shall indicate their relationship to the final map, and shall contain a statement to the effect that the additional information is for informational purposes, describing conditions as of the date of filing and is not intended to affect record title interest. The additional map sheets may also contain a notification that the information is derived from public records or reports, and its inclusion in the map does not imply the correctness or sufficiency of these records or reports by the preparer of the map.

(Added by Ord. No. 7262 (N.S.), effective 2-13-87)

SEC. 81.505. TYPE OF MAP REQUIRED.

(a) Final Map. Unless otherwise provided in this division a final subdivision map shall be prepared and filed pursuant to an approved tentative map for every major subdivision.

(b) Parcel Map. In lieu of filing a final map, unless otherwise required by the Subdivision Map Act, a parcel map may be filed pursuant to an approved tentative map when any of the following conditions prevail:

(1) The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway and no dedications or improvements are required.

(2) Each parcel created by this division has a gross area of 20 acres or more and has an approved access to a maintained public street or highway and no dedication is required.

(3) The land consists of a parcel or parcels of land having approved access to a public street or highway which comprises part of a tract of land zoned for industrial or commercial development and which has the approval of the Planning Commission, or the Board of Supervisors as to street alignments and widths and no dedication is required.

(4) Each parcel created by the division has a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.

The form and content of any parcel map of a major subdivision filed pursuant to this section shall be in accordance with the requirements of Chapter 8 of this division.

(Amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.506. ADDITIONAL DATA ON FINAL MAPS.

Every final map shall:

(a) Contain a definite description of the land subdivided by references to recorded deeds, recorded maps and official United States surveys. Reference to tracts, recorded deeds and recorded maps shall be spelled out, worded identically with original records and show the book and page of records or map numbers.

(b) Use the California Coordinate System for its "Basis of Bearings" and express all measured and calculated bearing values in terms of said system. The angle of Grid divergence from a true meridian (Gamma or mapping angle), and the North point of said map shall appear on each sheet thereof. Establishment of said Basis of Bearings may be by use of existing Horizontal Control stations meeting the standards of the California Public Resources Code.

If the requirements of Section 81.506(j) are waived, the use of the California Coordinate System as the Basis of Bearings, described in Section 81.102.2.1 of this ordinance may also be waived by the County Surveyor. If waived, two record monuments shown on a recorded map or an astronomic observation shall be required, as approved by the County Surveyor.

(c) Show all easements to which the land is subject or to be subjected.

(d) Clearly indicate existing monuments found and describe them.

(e) Show the acreage of all parcels containing one acre or more.

(f) Clearly indicate, by description or a distinctive boundary line, any area subject to flooding at times of high tide or heavy rainfall, and state that such area is subject to flooding at times of high tide or heavy rainfall. Such areas shall be fixed by the Planning Environmental Review Board, Planning Commission or the Board of Supervisors at the time the tentative map is approved or conditionally approved.

(g) Show a solid line separating all private ways, easements and other rights of way not to be accepted as public streets and shown on said map, from public streets, and clearly designate their nature and the manner in which the right is reserved or granted.

(h) Bear the tract number assigned by the Department for the subdivision on every sheet of said map. If the tentative map contains two or more units and the final map is to be filed separately by unit, the tract number shall also contain a numerical unit suffix assigned by

the Department of Public Works. Such tract number shall be the only designated name of the subdivision appearing on the map and shall be preceded by the words "County of San Diego Tract."

(i) Notice those lots having solar access and those not having solar access, as determined in Section 81.401(n) herein.

(j) **FIELD OBSERVED CONNECTIONS:**

(1) Prior to January 1, 2000, a survey for any final map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of third order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

(2) After December 31, 1999, a survey for any final map that is to be based on state plane coordinates shall show two measured ties from the boundary of the subject property to existing Horizontal Control station(s) having California Coordinate values of first order accuracy or better, as published in the County of San Diego's Horizontal Control book. These tie lines to the existing control shall be shown in relation to the California Coordinate System (i.e. Grid bearings and Grid distances). All other distances shown on the map are to be shown as Ground distances. A combined factor for conversion of Grid-to-Ground distances shall be shown on the map.

For purposes of this section, the date of survey for the field observed connections shall be the date of survey as indicated in the surveyor's/engineer's certificate as shown on the final map.

(Amended by Ord. No. 5062 (N.S.), effective 2-23-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5589 (N.S.), effective 9-20-79; amended by Ord. No. 6508 (N.S.), effective 3-1-83; amended by Ord. No. 7695 (N.S.), effective 1-5-90; amended by Ord. No. 9102 (N.S.), effective 1-17-00; amended by Ord. No. 9697 (N.S.), effective 1-14-05, operative 2-14-05)

SEC. 81.507. ADDITIONAL CERTIFICATES ON FINAL MAPS.

In addition to certificates and other material required by the Subdivision Map act and this division every final map shall bear the following certificates or endorsements:

(a) A certificate by the County Treasurer and the Director of Public Works to the effect that there are no unpaid special assessments or bonds which may be paid in full shown by the records in their offices against the subdivision or any part thereof.

(b) A certificate by the Clerk of the Board of Supervisors that the provision of Division 2, Title 7 of the Government Code have been complied with regarding deposits for taxes on the property within the subdivision.

(c) Certificate of the County Recorder as to the filing of the map.

(d) A certificate by the engineer who performed any percolation test which is required by Section 81.403 of this ordinance identifying those lots on which percolation tests were performed. If percolation tests were performed on less than all of the lots, a certificate by the Director of the Department of Environmental Health approving such waiver of modification of the percolation testing requirement shall be included.

(Amended by Ord. No. 4931 (N.S.), effective 7-7-77; amended by Ord. No. 5062 (N.S.), effective 2-23-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5927 (N.S.), effective 12-12-80; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.508. TITLE COMPANY CERTIFICATE AND REPORT.

Every final map submitted to the Board of Supervisors shall bear the certificate of a qualified title company that the parties who executed the owner's certificate required by Section 66436 of the Subdivision Map Act are all the parties having any record title interest in the land subdivided. Said certificate shall also set forth the names of the parties owning the interests set forth in Section 66436 of said Act together with a description of said interests and the reasons the parties did not execute the owner's certificate. The Clerk of the Board of Supervisors shall notify the title company making such certificate of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder a letter stating that on said date the names of the parties and the other facts set forth in the title company's certificate were the same as shown by the certificate.

SEC. 81.509. TITLE COMPANY SUBDIVISION GUARANTEE.

In lieu of the title company certificate required by Section 81.508 of this division there may be filed with the Director of Public Works a

subdivision guarantee from a qualified title insurance company which guarantees that the parties named therein are the only parties having any record title interest in the land subdivided.

The owner's certificate required by Section 66436 of the Subdivision Map Act shall bear the signatures of all parties owning any record title interest in the land subdivided except those which have been omitted pursuant to Section 66436 of the Subdivision Map Act. The names of any parties who own interests described in Section 66436 of the Subdivision Map act and who have not signed the owner's certificate shall be set forth in the owner's certificate together with a description of their respective interests and the reasons why they have not signed the certificate.

The Clerk of the Board of Supervisors shall notify the title company furnishing the subdivision guarantee of the date the final map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. The title company shall, on said date, present to the County Recorder, pursuant to the requirements of Section 66465 of the Subdivision Map Act, a letter stating that at the time of filing of the final or parcel map in the office of the County Recorder, the parties consenting to such filing are all of the parties having a record title interest in the real property being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code, as shown by the records in the office of the County Recorder.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.510. APPROVAL AS TO FORM.

All final maps filed with or submitted to the Board of Supervisors shall be first submitted to the County Counsel and approved as to form by him.

SEC. 81.511. DRAFTING STANDARDS.

All final maps will be suitable for microfilming and of such drafting quality that viewing and reproduction from microfilm at reduced scale shall be legible. The following standards shall apply:

(a) The map shall be drawn, printed, stamped or reproduced by a process guaranteeing a permanent record per Sections 66435(a) and 66445(a) of the Government Code (Subdivision Map Act). The only methods deemed acceptable under these sections are: black, opaque ink on tracing cloth or polyester base film; or an archival quality photograph (silver process) reproduction on polyester base film.

(b) Letter density shall be uniform and background density shall

be uniform on each sheet to assure even contrast throughout each sheet.

(c) Minimum letter size shall be 0.08 inches in height for hand lettering. Letter spacing should be no less than 1/4 of the letter height used. Cursive writing shall not be used.

(d) Minimum monument symbol size shall be 0.10 inches.

(e) Self-adhesive or added on labels and certificates are not permanent and are not acceptable.

(f) Color shading will not be used.

(g) In addition to a statement of scale, one graphic scale acceptable to the Director of Public Works shall be shown on each sheet with one or more parcels. The graphic scale shall pertain to the predominant scale used on each sheet and be 4" minimum length.

(Amended by Ord. No. 6016 (N.S.), effective 5-7-81)

SEC. 81.512. SOIL AND GEOLOGY REPORTS.

When a soils report and/or geology report has been prepared for a subdivision, the report will be kept on file for public inspection with the Director of the Department of Public Works. A fee will be established at that time. The amount of said fee shall be determined by resolution no less than annually by the Board of Supervisors.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 6552 (N.S.), effective 4-15-83; amended by Ord. No. 7986 (N.S.), effective 11-7-91)

SEC. 81.513. CHANGES IN FINAL MAPS.

a. Corrections and Amendments. A final subdivision map or final parcel map that has been recorded may be amended by a certificate of correction or an amending map to make the changes listed in Government Code Section 66469. An amending map or certificate of correction shall meet the requirements of Government Code Section 66470 and shall be filed with the Director of Public Works Department (Director) or his designee along with the deposit required in Section 81.205(d). If the amending map or certificate of correction contains only those changes listed in Government Code Section 66469, the Director or his designee shall certify to this fact on the amending map or certificate of correction. The Director or his designee on behalf of the applicant shall then file the amending map or certificate of correction certified by the Director or his designee with the County Recorder in accordance with Government Code

Section 66472.

b. Modifications or Waivers of Conditions on Final Maps. The conditions required on a final subdivision map or final parcel map may be modified or waived only by a certificate of correction or an amending map approved pursuant to this Section. The Board of Supervisors hereby delegates its responsibility under Government Code Section 66472.1 regarding modifications and waivers of final map conditions to the Director of Public Works Department (Director). An amending map or certificate of correction shall be filed with the Director along with the deposit required in Section 81.205(d). The Director shall approve only those modifications and waivers permitted by Government Code Section 66472.1 and shall support all modifications and waivers with the finding required by that Section. The Director shall limit modifications and waivers of final map conditions to those involving extraordinary circumstances or hardship cases.

Before making the final decision, the Director shall hold a public hearing to consider all proposed modifications and waivers of final map conditions and shall give notice of the public hearing according to Government Code Section 66451.3. The notices shall be deposited in the United States mail not less than fifteen (15) days before the public hearing and shall include the Director's tentative decision.

The Director's decision may be appealed to the Board of Supervisors by the applicant, a County officer or any person who opposed the decision either in writing or in person at the public hearing. The appeal must be filed in writing with the Director within ten (10) days of the date the Director made the final decision. The person who appeals the Director's decision shall pay the deposit required in Section 81.205(d).

(Added by Ord. No. 6277 (N.S.), effective 5-27-82; amended by Ord. No. 7268 (N.S.), effective 2-27-87)

SEC. 81.514. DESIGNATED REMAINDER PARCEL STATEMENT.

All final maps that include a Designated Remainder Parcel, as defined herein, shall include a statement on the face of said final map advising that prior to the sale of said Designated Remainder Parcel a certificate of compliance must be approved by the Department of Planning and Land Use.

(Added by Ord. No. 7204 (N.S.), effective 10-17-86)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 6. MINOR SUBDIVISIONS -- PROCEDURE**

CHAPTER 6. MINOR SUBDIVISIONS -- PROCEDURE

SEC. 81.600. APPLICABILITY.

Those conditions, specifications, regulations and requirements included within those Chapters 6, 7 and 8 relating to minor subdivisions shall be observed and made applicable to each application for a minor subdivision as defined in Section 81.102.11 and approved by the Department of Environmental Health after the effective date of this ordinance, except that those tentative parcel maps which are pipeline cases as defined in Section 81.102.13.1, may adhere to those standards applicable at the time applications were filed. The filing date of any subsequent applications relative to the original tentative parcel map shall establish a new pipeline filing date.

(Added by Ord. No. 5758 (N.S.), effective 6-12-80; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.601. MINOR SUBDIVISION.

No person shall create a minor subdivision except in accordance with either: (a) a parcel map approved pursuant to this division and the Subdivision Map act and filed in the Office of the County Recorder unless such requirement for a parcel map is otherwise waived pursuant to Section 81.616 of this chapter; or (b) an approved final division plat constituting authority to divide property pursuant to former Chapter 6 of Division 1 of Title 8 of this Code.

The provisions of this chapter shall not apply to:

(1) The conveyance, transfer, creation or establishment of an easement for sewer, water or gas pipelines and appurtenance or electrical or telephone poles and lines or conduit and appurtenances.

(2) The leasing of a dwelling constructed on a lot regulated by the R-V-15 Use Regulation which, together with all contiguous land owned by the same person or persons, has an area of less than 12,000

square feet when said leasing does not constitute a subdivision within the meaning of the Subdivision Map Act.

(3) The conveyance of land to or from a governmental agency, public entity or public utility, or to a subsidiary of a public utility for conveyance to such public utility for right-of-way.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5758 (N.S.), effective 6-12-80)

SEC. 81.601.1. ELIGIBILITY TO FILE.

Any person shall be eligible to file a minor subdivision to create four or fewer parcels on a parcel of land when:

(a) Such parcel has been created legally or has been approved for development by the Director or on appeal, by the Board of Supervisors, pursuant to Section 81.1103 and a Certificate of Compliance relative thereto has been filed with the County Recorder; and

(b) The applicant or owners by their current application will not have created, caused to be created, or participated in the creation of more than four parcels on contiguous property unless such parcels were created by the major subdivision process. For purposes of interpreting this section, the term "participated" shall mean having cooperated with or acted in a planning, coordinating or decision making capacity in any formal or informal association or partnership for the purpose of dividing real property; and

(c) Such minor subdivision is consistent with all applicable adopted general, community and subarea plans.

(Added by Ord. No. 5624 (N.S.), effective 11-29-79)

SEC. 81.601.2. DETERMINATION OF ELIGIBILITY.

The applicant or owner shall certify or declare under penalty of perjury that he or she is eligible to divide property by the minor subdivision process in accordance with the eligibility requirements of Sec. 81.601.1. Prior to issuing any notice of approval, the Director shall review the certification or declaration and any other pertinent information and determine the eligibility of the applicant or owner to divide property by the minor subdivision process. If the Director determines that there is evidence that the eligibility requirements specified in Sec. 81.601.1 have not been met, or that there is evidence that the transactions relating to the subdivision may have been collusive or for the purpose of evasion of the Subdivision Map act or this Division, the Director shall require documentary evidence to

establish that the applicant or owner meets the requirements of Sec. 81.601.1 and that the transactions are or were bona fide transactions and not intended to evade the Subdivision Map Act or this Division. As determined by the Director, such evidence shall include, but is not limited to, true copies of escrow instructions, grant deeds and offers to purchase and such statements under oath satisfactory to the Director to establish that the applicant or owner has acquired the property by a legitimate arms length transaction. Such statements shall cover such matters as the adequacy of consideration for the transactions, whether the transfer was to a close relative or business associate, the retention of control or financial interest in the transaction, or any other matter necessary to establish that the transaction is not part of a conspiracy or plan to evade the Subdivision Map Act or this Division.

(Added by Ord. No. 5624 (N.S.), effective 11-29-79; amended by Ord. No. 7028 (N.S.), effective 10-18-85)

SEC. 81.602. TENTATIVE PARCEL MAP REQUIRED.

Any person proposing to create a minor subdivision pursuant to this division shall file with the Director a tentative parcel map pursuant to the provisions of this chapter; provided, however, an adjustment plat may be filed in lieu of a tentative parcel map under the conditions specified in Section 81.901. The Director of Public Works shall not certify a parcel map pursuant to Section 66450 of the Subdivision Map Act unless prior thereto a tentative parcel map of the minor subdivision shown thereon shall have been filed with and approved by the Director, or on appeal by the Board of Planning and Zoning Appeals or the Board of Supervisors.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.603. APPLICATION.

The subdivider applying for a minor subdivision shall file an application with the Director. The application shall be accompanied by a fee as set forth in Section 81.207 which will not be refundable, together with copies of a tentative parcel map as required by the Director prepared in accordance with the requirements as set forth in Sections 81.106(b) and 81.604 of this division.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.604. INFORMATION TO BE FILED WITH TENTATIVE PARCEL MAP.

Such information as may be prescribed by the rules and regulations approved by the Board of Supervisors pursuant to Section 81.106(b)

of this division and such additional information as the Director may find necessary with respect to any particular case to implement the provisions of this division shall accompany the tentative parcel map at the time of submission. Such additional information may include but is not necessarily limited to title reports, lot book reports or other documentation to be provided by the applicant to substantiate eligibility for filing a tentative parcel map. In addition all tentative parcel maps shall be accompanied by either an Environmental Impact Initial Study Sheet or a draft environmental impact report prepared in accordance with rules and procedures adopted by the Board of Supervisors pursuant to the Environmental Quality Act of 1970.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.604.1. MASTER PARCEL PLAN REQUIRED.

Any application for a minor subdivision map located in the Urban Residential (1 DU/Ac through 40 DU/Ac) Estate (1 DU/2-4 Ac) and Rural Development (1 DU/4-8-20 Ac) classifications as defined by the community and subregional plans of the County General Plan that proposes the creation of three or more parcels and which could be further divided into five or more lots and found consistent with the General Plan shall be accompanied by a Master Parcel Plan (MPP). The master parcel plan would provide, in concept, the design of the future lots allowed by the General Plan for the area of the holding and the general location of future on-site and off-site streets for the initial division of land and all successive divisions. However, only those improvements and dedications of right-of-way necessary for the initial division of land shall be required by the Master Parcel Plan.

(Added by Ord. No. 5758 (N.S.), effective 6-12-80)

SEC. 81.604.2. WAIVER OF MASTER PARCEL PLAN.

Notwithstanding the provisions of Sec. 81.604.1, the requirement for a master parcel plan may be waived by the Director of Planning and Land Use provided that a finding is made by the Director that the proposed subdivision complies with the intent of the master parcel plan as to design of potential lots, location of a streets and subsurface sewage disposal systems and environmental protection.

(Added by Ord. No. 5758 (N.S.), effective 6-12-80)

SEC. 81.605. GRADING PLAN.

There shall be filed with each tentative parcel map a grading plan showing graded building site elevations and grading proposed for the creation of feasible building sites on each lot together with driveway

access thereto and for construction or installation of improvements. The grading plan shall conform to all requirements of Section 87.206 and following of this Code, except that it shall not be required to show the estimated starting and completion dates. The level of detail required may be less than would be required for actual construction, but shall be sufficient to permit analysis of all onsite and offsite environmental impacts and mitigation measures (including Best Management Practices). The authority considering an application for a tentative parcel map shall also consider the grading plan, and if the tentative parcel map is approved or conditionally approved, a note shall be affixed to the grading plan to identify it as the grading plan which was a basis for approval of the tentative parcel map. Any grading permit obtained pursuant to the Grading Ordinance (Section 87.101 and following of this Code) for the subdivision shall conform to the grading plan thus identified, and any substantial deviation therefrom shall require an amendment to the grading plan pursuant to the Grading Ordinance.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 9315 (N.S.), effective 4-12-01)

SEC. 81.606. SEWER SERVICE CERTIFICATION.

A tentative parcel map requiring individual sewage disposal systems will not be accepted for processing until said map bears certification by the Director of the Department of Environmental Health that each lot has been approved for installation of a sewage disposal system in accordance with the Septic Tank Ordinance. The Director of the Department of Environmental Health's approval shall not be granted unless there has been a percolation test of each parcel; provided, however, that the percolation test requirement may be waived by the Director of the Department of Environmental Health.

(Added by Ord. No. 5828 (N.S.), effective 8-21-80; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6149 (N.S.), effective 8-18-81; Ord. No. 6150 (N.S.), adopted 8-25-81, effective 9-24-81, supersedes Ord. No. 6149; amended by Ord. No. 6401 (N.S.), effective 8-19-82; amended by Ord. No. 6643 (N.S.), effective 12-15-83; amended by Ord. No. 6792 (N.S.), effective 7-13-84; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.606.1. EVAPOTRANSPIRATION TYPE SYSTEMS.

The Director of the Department of Environmental Health may revoke his approval of an evapotranspiration type sewage system heretofore approved pursuant to Section 81.606 when in his judgment such system is not adequate for the proposed lot and its use.

Any tentative parcel map not yet accepted for processing which

has been approved by the Director of the Department of Environmental Health for an evapotranspiration type sewage disposal system prior to the effective date of this ordinance shall not be accepted for processing but shall be referred to the Director of the Department of Environmental Health for reevaluation of his previous approval.

(Added by Ord. No. 5408 (N.S.), effective 2-20-79; Ord. No. 5416 (N.S.), adopted 2-27-79, effective 3-29-79, supersedes Ord. No. 5408; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.606.2. CENTRAL VALLEY AREA IN THE VICINITY OF VALLEY CENTER.

(Added by Ord. No. 5900 (N.S.), effective 11-6-80; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.606.3. S. CITRUS AVENUE AREA IN THE VICINITY OF ESCONDIDO.

The Director of the Department of Environmental Health may revoke his approval of a septic tank, settling tank, seepage pit, cesspool, subsurface tile line system or any other subsurface sewage disposal unit within the S. Citrus Avenue area in the vicinity of Escondido, as described in subdivision (b) of Section 81.108.12 of this Code, heretofore approved pursuant to Section 81.606, when in his judgment such system is not adequate for the proposed lot and its use, or that development of said lot will increase groundwater elevations in said area to the extent that a health hazard will be created.

Any tentative parcel map not yet accepted for processing which has been approved by the Director of the Department of Environmental Health for a subsurface sewage disposal system in said S. Citrus Avenue area prior to the effective date of this ordinance shall not be accepted for processing but shall be referred to the Director of the Department of Environmental Health for reevaluation of his previous approval.

(Added by Ord. No. 6379 (N.S.), effective 7-29-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.607. REPLACEMENT TENTATIVE PARCEL MAP.

A replacement tentative parcel map may be submitted at any time prior to tentative parcel map approval. A replacement tentative parcel map shall be submitted when the Director of Public Works, Board of Planning and Zoning Appeals, or Board of Supervisors finds that the number or nature of changes necessary for approval are such that they

cannot be shown clearly or simply on the original tentative parcel map and a deposit shall be paid to the Department of Public Works in an amount sufficient to cover the actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5819 (N.S.), effective 7-31-80; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7054 (N.S.), effective 11-15-85; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9290 (N.S.), effective 2-11-01; amended by Ord. No. 9533 (N.S.), effective 5-4-03)

SEC. 81.608. REVISED TENTATIVE PARCEL MAP.

Where a subdivider desires to revise an approved tentative parcel map, he may file with the Director of Public Works prior to the expiration of the approved tentative parcel map, a revised tentative parcel map on payment of a deposit to the Department of Public Works in an amount sufficient to cover the actual costs. The amount of said deposit shall be prescribed by the Board of Supervisors.

(Amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9227 (N.S.), effective 7-21-00; amended by Ord. No. 9290 (N.S.), effective 2-11-01)

SEC. 81.608.5. EXPIRED TENTATIVE PARCEL MAP -- CONDITIONS FOR REFILING.

Where a person desires to refile a tentative parcel map after proceedings thereon have terminated by reason of the expiration of time allowed for filing the parcel map, such tentative parcel map may be refiled upon payment of the fee prescribed in Chapter 2 of this division, provided, the Director determines that all of the following conditions are present:

- (a) No part of the land shown on the approved tentative parcel map has been sold or transferred.
- (b) Establishment of the street pattern or lot design shown on the approved tentative parcel map has not been made impractical or impossible by the installation of utilities, establishments of easements or rights-of-way, or the construction or establishment of buildings or structures on land within the map or adjacent thereto.
- (c) No final map or parcel map conflicting with the design or location of streets shown on the approved tentative parcel map has

been recorded or filed for record.

(d) Establishment of the street pattern or lot design shown on the approved tentative parcel map has been made impractical or impossible by the approval of any other tentative map or tentative parcel map.

(e) No plan or ordinance has been adopted, no regulation established and no annexation to a city or incorporation of a city has taken place since the approval or conditional approval of the approved tentative parcel map which would require any change in the size, shape or design of the lots or the location, alignment, width or improvement of streets within the map or adjacent to the boundaries thereof.

(f) No inspection of the property by any County officer or Department will be required other than to determine that the above enumerated conditions are present.

(g) No extension of time shall have been granted for such tentative parcel map pursuant to Section 81.617.

(h) Not more than one (1) year shall have elapsed since the expiration date of the first tentative parcel map.

The Director may required an affidavit of the owner that the conditions specified above in subparagraphs (a) and (b) are true.

The tentative parcel map refiled pursuant to this section shall expire 36 months from the date on which the first tentative parcel map expired.

(Added by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5830 (N.S.), effective 7-22-80; Ord. No. 5834 (N.S.), adopted 7-29-80, effective 8-28-80, supersedes Ord. No. 5830; amended by Ord. No. 6057 (N.S.), effective 6-25-81; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.609. DIRECTOR -- DUTIES OF.

The Director is authorized and directed to carry out the duties assigned to him by this division including, but not limited to, the following:

(a) Provide notice of the receipt of an application for a tentative parcel map to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. Said notice shall be sent via United States mail and the names and addresses of such

owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector as contain more recent information. Said notice shall indicate that the Director will make a decision on the application, unless the Board of Supervisors will make a decision pursuant to paragraph (d) of this section, and will consider any comments the addressee desires to submit so long as they are in writing and received no later than 25 days after the date notice was sent. The notice shall include information on methods by which the addressee may review and/or request notice or copies of the Director's preliminary and final decisions, unless the Board of Supervisors will make a decision pursuant to paragraph (d) of this section, and other pertinent information that the Director determines to be relevant.

(b) Investigate each tentative parcel map filed pursuant to this chapter and indicate by written report the kind, nature and extent of improvements including but not limited to sewer, water, fire protection, schools and flood control facilities required to be installed on or to serve the land to be subdivided.

(c) Obtain the recommendation of:

(1) The Director of Public Works, Director of Environmental Health and Director of Parks and Recreation, or their authorized representatives, with respect to the design of the proposed subdivision and the kind, nature, and extent of the proposed improvements including, but not limited to, sewer, water, trails, pathways, and flood control facilities;

(2) The Chief of the local fire district, or if there is no fire district, the County Fire Warden, with respect to fire control measures and improvements; and

(3) Special districts for public sewer, public water and school facilities, other County departments, governmental agencies as may be deemed appropriate or necessary by the Director in order to carry out the provisions of this division.

(d) Approve, conditionally approve, or disapprove tentative parcel maps pursuant to the procedure specified in Section 81.612, except for such tentative parcel maps that are not within the Current Urban Development Area as shown by the Regional Land Use Element of the County of San Diego and propose connection to the Rancho San Diego Interceptor sewer line for the provision of sewer service. The Director is not authorized to approve, conditionally approve or disapprove such tentative parcel map and shall consider it and make a report thereon to the Board of Superiors.

(e) Waive the requirement for filing and recordation of a parcel map for certain subdivisions as provided for in this division.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5668 (N.S.), effective 1-3-80; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 7312 (N.S.), effective 7-2-87; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 9701 (N.S.), effective 3-4-05)

SEC. 81.610. ASSIGNMENT OF CERTAIN RESPONSIBILITIES TO DIRECTOR.

The responsibilities of the Board of Supervisors pursuant to Sections 66473.5, 66474, 66474.1, and 66474.6 of the Government Code are hereby assigned to the Director with respect to those tentative parcel maps filed pursuant to this chapter.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.611. ACTION OF THE DIRECTOR.

Within 5 working days after a tentative parcel map has been filed, the Director shall transmit copies of said map together with accompanying information to such public agencies and public and private utilities as the Director determines may be concerned. Each of the public agencies and utilities may, within 10 working days after the map has been sent to such agency, forward to the Director a written report of its findings and recommendations thereon.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.612. CONSIDERATION OF TENTATIVE PARCEL MAPS -- NOTICE OF DECISION.

(a) Preliminary Decision - Request for Review. The Director shall make a preliminary decision to approve, conditionally approve or disapprove the tentative parcel map within 35 days after said tentative parcel map is filed (as defined in Sec. 66452.1(c) of the Subdivision Map Act). Notice of such decision, together with the reasons therefor in the event of a disapproval, shall be provided pursuant to subdivision (c) below. Any person to whom such notice is required to be sent may request in writing that such preliminary decision be reviewed. Such request must be received by the Director within 7 calendar days after the date of the preliminary decision.

(b) Final Decision. In the event no written request for review is received within the time prescribed above, the preliminary decision shall become final. Upon receipt within the time prescribed of said written request for review of a preliminary decision, the Director shall arrange a time and place for such review and shall notify the

subdivider, the requester and appropriate County departments and agencies thereof. After completion of the review, the Director shall within 50 days after the filing of the tentative parcel map render his final approval, conditional approval or disapproval of the tentative parcel map; however, said period may be extended upon consent of the subdivider and, if the request for review was made by the subdivider and review cannot be completed within such time, such request shall be deemed to constitute consent of the subdivider to extend said period for a reasonable time. Notice of such final decision shall be provided pursuant to subdivision (c) below.

(c) Notice. Any notice required by this section shall be in writing and mailed to the subdivider and to any person who made request therefor pursuant to Section 81.609(a)(4). Notice shall be deemed to have been given upon deposit of the notice in the United States mail with postage thereon prepaid.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5668 (N.S.), effective 1-3-80; amended by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.613. DISAPPROVAL OF TENTATIVE PARCEL MAP.

The Director shall not approve a tentative parcel map under any of the following circumstances:

(a) The land proposed for division is a lot or parcel created illegally, unless said lot or parcel has been approved by the Director or on appeal by the Board of Supervisors pursuant to Section 81.1103 of Chapter 11 of this division and a certificate of compliance relative thereto has been filed with the County Recorder.

(b) The subdivision proposes creation of five or more lots.

(c) The Director finds that the tentative parcel map does not meet the requirements of this division.

(d) The Director makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with the applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed

density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements of record or easements established by court judgment, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Director may approve a map if he finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

(8) The land proposed for division is a lot or parcel which is shown on a parcel map approved pursuant to this division and recorded in the office of the County Recorder and any required improvements noticed by certificate on said parcel map have not been completed.

(9) The land proposed for division is a lot or parcel which is shown on an approved tentative parcel map wherein the parcel map requirement was waived pursuant to provisions of this division and a conditional certificate of compliance has been filed with the County Recorder pursuant to Chapter 11 of this division and any required improvements noticed on the conditional certificate of compliance have not been completed.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.614. MODIFICATION OF REGULATIONS.

Whenever the Advisory Agency, Appeal Board or Board of Supervisors finds with respect to a tentative parcel map that the land to be divided is of such size or shape or is subject to such title limitations of record or is affected by such topographical conditions, or is in such location, or is to be devoted to such usage that it is impossible or impractical in the particular case for the subdivider to conform fully to the requirements of this division, the Director, or on appeal the Planning Environmental Review Board or Board of Supervisors, may waive or modify such requirements as deemed reasonably necessary; provided, however, any such waiver or modification shall be in conformity with the spirit and purpose of this division.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-

79; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.614.1. HEARING PROCEDURE FOR MODIFICATIONS OR WAIVERS DUE TO CHANGE IN REQUIREMENTS.

Whenever the Board of Supervisors changes a requirement for approval of tentative parcel maps subject to the provisions of this division, the Director, or on appeal the Planning Commission or the Board of Supervisors may modify or waive such requirement imposed upon tentative parcel maps approved prior to the effective date of the change. The Director may authorize the Director of Public Works to act on requests for specified classes of modifications or waivers due to changes in requirements provided the duties of the Director are carried out by said Director of Public Works. The matter on appeal will be noticed, heard and decided using the procedure prescribed in Sections 81.612 through 81.615.

(Added by Ord. No. 6014 (N.S.), effective 4-23-81; amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.615. APPEAL TO PLANNING COMMISSION AND BOARD OF SUPERVISORS.

(a) The Planning Commission is hereby designated as the appeal board referred to in Section 66452.5 of the Government Code. Where the subdivider is dissatisfied with any action of the Director with respect to a tentative parcel map or adjustment plat he may appeal to the Planning Commission and the subdivider or the Director may appeal to the Board of Supervisors from any action of the Planning Commission as provided in Section 66452.5 of the Government Code.

(b) Any interested person may appeal to the Planning Commission and Board of Supervisors from any decision of the Director made relative to the responsibilities assigned to him in Section 81.610. Any such appellant shall be entitled to the same notice and rights regarding testimony as apply to the subdivider under Section 66452.5 of the Government Code.

(c) If during the course of appeal to the Board of Supervisors of the number or nature of the changes necessary for conditional approval are such that a replacement tentative parcel map is submitted, the appeal shall be dismissed and the matter resubmitted to the Planning Commission for its consideration. After consideration by the Planning Commission, its action may be appealed to the Board of Supervisors.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended

by Ord. No. 7054 (N.S.), effective 11-15-85; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.615.5. INFORMATION TO BE SUPPLIED BY APPLICANT.

An appeal filed pursuant to Section 81.617 shall be accompanied by a written statement disclosing the following information:

(a) The names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved.

(b) If any person identified pursuant to paragraph (a) above is a corporation or partnership, the names of all persons owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

(c) If any person identified pursuant to paragraph (a) above is a non-profit organization or a trust, the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

(Added by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.616. WAIVER OF PARCEL MAP.

Other provisions of this division to the contrary notwithstanding, the requirement that a parcel map be prepared, filed with the Director of Public Works and recorded may be waived provided a finding is made by the Director, or on appeal by the Planning Commission or the Board of Supervisors, that the proposed subdivision complies with the requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division and the Subdivision Map Act.

An applicant for a subdivision pursuant to this section shall pay the fee prescribed by Section 81.207 for tentative parcel maps and shall file an application and request for parcel map waiver which shall contain sufficient information in the opinion of the Director to enable the Director, or on appeal the Planning Commission or the Board of Supervisors, to make the findings required by this section. The following types of subdivision are hereby deemed to comply with the findings required by this section for waiver of the parcel map unless a showing is made in individual cases, upon substantial evidence, that public policy necessitates such a parcel map:

(a) A minor subdivision wherein each resulting lot or parcel

contains a gross area of forty (40) acres or more, or each of which is a quarter-quarter section or larger; provided, however, that the requirement that each resulting lot or parcel contain a gross area of 40 acres or more or be a quarter-quarter section or larger may be modified pursuant to Section 81.614 of this chapter to the extent that no such lot or parcel is smaller than 20 acres in gross area and the average gross area of all resulting lots or parcels equals 40 acres or more;

(b) A minor subdivision only for the purpose of leasing the lots resulting from such subdivision;

(c) A major subdivision as specified in Section 81.505 of this division.

(d) An environmental subdivision, as specified in Section 81.1400 of this division.

Minor subdivisions wherein dedications or improvements are required by the Director, or on appeal the Planning Commission or the Board of Supervisors, as a condition of approval are hereby deemed not to comply with the findings required by this section for waiver of the parcel map.

The processing of any application pursuant to this section shall be subject to the same time requirements and appeal procedures as are provided in this division for tentative parcel maps. In any case where waiver of the parcel map is granted by the Director, or on appeal by the Planning Commission or Board of Supervisors, the Director shall cause to be filed for record with the County Recorder a certificate of compliance pursuant to Chapter 11 of this division.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9428 (N.S.), effective 2-15-02; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.616.1. WAIVER OF TENTATIVE AND FINAL SUBDIVISION MAPS FOR CONDOMINIUM PROJECTS ON A SINGLE PARCEL.

Other provisions of this division to the contrary notwithstanding, the requirement for the filing of a tentative subdivision map and the preparation, filing and recording of a final map, for condominium projects on a single parcel, may be waived by the advisory agency providing a finding is made that the proposed subdivision complies with the requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division and the Subdivision Map Act.

An application for a waiver pursuant to this section shall contain sufficient information to enable the advisory agency to make the findings required by this section. An applicant for a waiver pursuant to this section shall pay the fee as prescribed by Section 81.201 for tentative maps.

Major subdivisions wherein dedications or improvements would be required as a condition of approval are hereby deemed not to comply with the findings required by this section for waiver of the tentative and final map.

The processing of any application pursuant to this section shall be subject to the same time requirements and appeal procedures as are provided in this division for tentative subdivision maps. In any case where waiver of the tentative and final map is granted the Director shall cause to be filed for record with the County Recorder a certificate of compliance pursuant to Chapter 11 of this division.

(Added by Ord. No. 6565 (N.S.), effective 6-3-83)

**SEC. 81.616.2. WAIVER OF TENTATIVE AND FINAL
SUBDIVISION MAPS FOR MOBILEHOME PARK
CONVERSION PROJECTS.**

Other provisions of this division to the contrary notwithstanding, the requirement for the filing of a tentative subdivision map and the preparation, filing and recording of a final map, for a mobilehome park conversion project on a single parcel, may be waived by the advisory agency providing a finding is made that the proposed subdivision complies with the requirements as to area, improvement and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of this division and the Subdivision Map Act.

Major subdivisions for conversion of existing mobilehome parks, initiated by the residents, shall have all public improvements waived providing that the Director of Planning and Land Use can make a finding that at least two-thirds of the existing residents support the subdivision of the mobilehome park, all of which shall live in the mobilehome park as a principal place of residence. The mobilehome park shall be deemed the principal place of residence for any existing residents who placed their mobilehomes in the name of a person(s) who are related by blood which shall include: parent, child, sibling, uncle, aunt, niece, nephew, grandparent, or grandchild. Finally, no existing resident will be displaced by the subdivision.

An application for a waiver pursuant to this section shall contain sufficient information to enable the advisory agency to make the findings required by this section. An applicant for a waiver pursuant

to this section shall pay the fee as prescribed by Section 81.201 for tentative maps.

The processing of any application pursuant to this section shall be subject to the same time requirements and appeal procedures as are provided in the division for tentative subdivision maps. In any case where waiver of the tentative and final map is granted the Director shall cause to be filed for record with the County Recorder a Certificate of Compliance pursuant to Chapter 11 of this division.

(Added by Ord. No. 7167 (N.S.), effective 8-8-86)

SEC. 81.617. TIME TO FILE PARCEL MAP -- EXTENSION TIME.

Within 36 months after the approval or conditional approval of the tentative parcel map, the subdivider may file with the Director of Public Works a parcel map in substantial conformance with the tentative parcel map, as approved or conditionally approved, and in conformance with the Subdivision Map Act and this division provided, however, that if the subdivider files with the Director a written request for an extension, the Director may at any time prior to or not later than 60 days following the expiration of said 36 months, grant an extension not exceeding 60 months subject to specified conditions. The application shall be filed no more than 180 days prior to such expiration. In the event the Director denies a subdivider's request for extension of time, the subdivider may within 15 days appeal to the Board of Supervisors in accordance with Section 66452.6(e) of the Subdivision Map Act. Any person filing a request for extension of time pursuant to this section shall pay the fee as provided in this ordinance. The amount of said fee shall be determined no less than annually by the Board of Supervisors. Following the hearing on an appeal, the Board of Supervisors shall grant or deny the extension or grant the extension subject to specified conditions.

(Amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5830 (N.S.), effective 7-22-80; Ord. No. 5834 (N.S.), adopted 7-29-80, effective 8-28-80, supersedes Ord. No. 5830; amended by Ord. No. 6041 (N.S.), effective 5-28-81; amended by Ord. No. 6057 (N.S.), effective 6-25-81; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7819 (N.S.), effective 10-26-90; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 8811 (N.S.), effective 6-25-97; amended by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.617.1. STAY OF TENTATIVE PARCEL MAP TIME PERIOD DUE TO LITIGATION.

(a) Pursuant to paragraph (c) of Section 66452.6 of the Subdivision Map Act, the subdivider may apply to the Director for a stay of the time period for filing a parcel map specified in Section 81.617, if a lawsuit has been brought involving the approval or conditional approval of a tentative parcel map. Such application may be filed at any time after service of the initial petition or complaint in the lawsuit and no later than six months after the lawsuit has been completed. Such application shall include information which the Director shall specify and shall be accompanied by a fee specified in Section 362 of the Administrative Code.

(b) Upon the filing of such an application, the Director shall provide notice of the receipt thereof to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. Said notice shall be sent via United States mail and the names and addresses of such owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector as contain more recent information. Said notice shall indicate that the Director will make a decision on the application and will consider any comments the addressee desires to submit so long as they are in writing and received no later than 20 days after the date notice was sent. The notice shall include information on methods by which the addressee may review and/or request notice or copies of the Director's decision and other pertinent information that the Director determines to be relevant.

(c) Factors which the Director may consider in determining whether to approve or deny the stay applied for include, but are not limited to, the following: (1) the current adequacy of environmental review which was performed for the tentative parcel map approval in light of any new information or changes in circumstances, (2) the effect the filing of the lawsuit may have had upon the subdivider's ability to proceed with the project, (3) comments received from the subdivider and from recipients of the notice required by paragraph (b) above, (4) any changes in laws, ordinances, regulations or policies applicable to the subdivision since the approval or conditional approval of the tentative parcel map; (5) whether any changes in the kind, nature or extent of required improvements (including but not limited to roads, grading, sewer, water, fire protection, schools and flood control facilities) are appropriate. The Director may determine whether to seek recommendations from officials of other County departments or other agencies related to these issues.

(d) Within 40 days after receiving the application, the Director shall determine whether to approve, conditionally approve or deny the stay requested. If the Director approves or conditionally approves the stay, the Director's decision shall specify the duration of the stay, which shall not exceed a period of five years. Notice of the Director's decision shall be mailed to the subdivider and to any person who made request therefor pursuant to paragraph (b) above. Notice shall be

deemed to have been given upon deposit thereof in the United States mail with postage thereon prepaid.

(e) In the event the Director denies or conditionally approves the stay requested, the subdivider may within 15 days appeal to the Board of Supervisors. The application for appeal shall include information which the Director shall specify and shall be accompanied by a fee specified in Section 362 of the Administrative Code. The Board shall hold a public hearing, and notice thereof shall be provided at least 10 days before the hearing, to all owners of property located within 300 feet of the exterior boundaries of the proposed subdivision. Said notice shall be sent via United States mail and the names and addresses of such owners shall be determined from the latest equalized assessment roll or such other records of the Assessor or Tax Collector as contain more recent information. Following the hearing on the appeal, the Board of Supervisors shall grant or deny the stay requested or grant the stay requested subject to specified conditions.

(Added by Ord. No. 5408 (N.S.), effective 2-20-79; Ord. No. 5416 (N.S.), adopted 2-27-79, effective 3-29-79, supersedes Ord. No. 5408; repealed by Ord. No. 6057 (N.S.), effective 6-25-81; new Section 81.617.1 added by Ord. No. 8545 (N.S.), effective 7-7-95)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 7. MINOR SUBDIVISION -- REQUIREMENTS**

CHAPTER 7. MINOR SUBDIVISION -- REQUIREMENTS

SEC. 81.701. DESIGN OF MINOR SUBDIVISION.

Except as otherwise provided in this division all minor subdivisions shall conform to the lot design requirements of Section 81.401 of this division.

SEC. 81.702. PANHANDLE SHAPED LOTS.

Panhandle-shaped lots shall have minimum frontage of 24 feet on a dedicated road or private easement road except where the panhandle portion of two panhandle-shaped lots are adjacent to one another, in which case each shall have a minimum frontage of 20 feet on a dedicated road or private easement road. Panhandles may not serve as access to any lot except the lot of which said panhandle is a part nor shall any panhandle have a length of more than two-thirds the distance from the road on which the panhandle fronts to the rear lot line.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 6908 (N.S.), effective 2-8-85; amended by Ord. No. 8690 (N.S.), effective 7-5-96)

SEC. 81.703. DEDICATION AND ACCESS.

No parcel map filed pursuant to Chapter 6 of this division shall be approved unless and until the following conditions have been satisfied:

(a) Urban Development Areas Where the land to be subdivided is located in the Urban Residential #3 through #10 designations as defined by the Land Use Element of the San Diego County General Plan, all minor subdivisions shall provide access by:

(1) Roads dedicated and improved in accordance with San Diego County Standards with right-of-way width of from 52 to 60 feet on-site and no less than 40 feet off-site, except;

(2) Roads offered for dedication which will ultimately serve not more than an estimated 100 average daily trips (ADT). When dedication is not accepted prior to approval of the parcel map, a private road easement not less than 40 feet in width shall be approved in lieu thereof, centered within the offered right-of-way, and improved in accordance with County Standards for Private Roads.

(b) Non-Urban Development Areas Where land to be subdivided is located in the Urban Residential #1, #2, and all of the Non-Urban Residential, Agricultural and Special Purpose designations, #17 through #25, except #21 Specific Planning Area, as defined by the Land Use Element of the County General Plan, all minor subdivisions shall provide access by:

(1) Private road easement not less than 40 feet in width improved in accordance with County Standards for Private Roads, except;

(2) On-site roads in areas designated for 1 or 2 acre minimum parcels by the County General Plan and which will ultimately serve an estimated 750 to 2500 ADT. Such streets shall be offered for dedication with right-of-way width of 56 or 60 feet. When dedication is not accepted prior to approval of the parcel map, a private road easement not less than 40 feet in width shall be approved in lieu thereof, centered within the offered right-of-way, and improved in accordance with County Standards for Private Roads; and,

(3) On-site or off-site roads which will ultimately serve more than an estimated 2500 ADT shall be dedicated and improved in accordance with San Diego County Standards with right-of-way not less than 60 feet in width, unless otherwise specified in the conditions of approval of the tentative parcel map.

(c) Private Road Maintenance

(1) Private roads will be maintained either through private road maintenance agreements or through a County Service Area (CSA), as determined by the Director Public Works.

(2) In the case where standards of an existing CSA to which a subdivision is to be annexed are different from those specified, the standards of existing CSA shall prevail.

(d) Where land to be subdivided is located in the Specific Planning Area designation as defined by the Land Use Element of the County General Plan, roads providing on-site and off-site access shall be designed and improved to those standards necessary to implement the development density design and objectives of an adopted Specific Plan as determined by the Director of Public Works.

(e) Where land to be subdivided is located in any commercial or industrial designation defined by the Land Use Element of the County General Plan, roads providing on-site and off-site access shall be dedicated and improved in accordance with San Diego County Standards.

(f) Roads which are proposed on the boundaries of a subdivision shall be not less than 30 feet in width. In the event that the offer of dedication for said roads is to be accepted prior to approval of the parcel map, a strip of land one foot wide extending along the outer edge of said land offered for dedication may be required to be offered to the County for road purposes and over which access rights are relinquished.

(g) Offers of dedication for roads which will be accepted before approval of the parcel map and which roads are proposed to be terminated at the boundary of the subdivision may be required to include a strip of land one foot wide extending across said road at its point of termination at said boundary which shall be portions of the adjacent lots, offered for road purposes and over which access rights are relinquished.

(h) Dead-end private road easements shall include a cul-de-sac with a minimum easement radius of 34 feet.

(i) Where land to be subdivided is bounded by any water body such as an inlet, bay, estuary, lagoon, river or by the Pacific Ocean, there shall be a road along such water body or other adequate public access shall be required. Where said land is bounded by the Pacific Ocean, irrevocable offers of dedication to the public of an absolute right of traverse along the beach shall be required. This dedication shall include all of the area within the subdivision lying between the mean high tide (M.H.T) line and the 10 foot elevation or base of coastal bluffs, whichever is closer to the ocean, or from the M.H.T line to the first line of vegetation in the case of an estuary mouth beach.

(j) All easements required for public utilities and drainageways, including flood control and drainage easements required in Section 81.402(j) and 81.402(k) of this division shall be offered for dedication in the manner prescribed by Section 81.705 of this division when such offers of dedication are necessary to serve the subdivision and/or are a reasonable and logical extension of such facilities as exist in the vicinity.

(k) No dedication or offer of dedication shall be required for roads providing on-site access to land to be subdivided where such road will serve only those lots created by that subdivision. A private road easement not less than 20 feet wide may be approved in lieu thereof, provided, that the easement will ultimately serve no more

than 4 lots or parcels and the Director of Planning has determined that no adjacent properties shall require public access from such easement.

(l) Where off-site access will not serve as access to on-site roads to be maintained by the County or a County Service Area, no dedication or offer of dedication shall be required for residential roads providing off-site access to the land to be subdivided when the Director of Planning has determined that a practical difficulty in obtaining rights over intervening land makes an offer of dedication or an irrevocable offer to dedicate impossible or circumstances such as location, traffic volume or use make such dedication or offer of dedication unwarranted.

(1) When such determination has been made, a private road easement not less than 40 feet in width or an existing private road easement established prior to February 1, 1972, not less than 20 feet in width shall be approved in lieu of such dedication or offer of dedication.

(2) Where such private road easement is approved, the subdivider shall obtain documentation from a title company that the owner and his/her successors have the right to use such private road easement for the lots to be created prior to the approval of the parcel map.

(m) In Non-Urban Development Areas, offers of dedication may be required when the Director of Public Works determines that a high probability exists that a proposed private road may need to be brought into the County-maintained system at some future date.

(n) All utility easements which are acquired after the issuance of the Resolution of Approval (Notice of Approval) shall be subordinated to any Public Dedications which are required as a condition of said approval with the exceptions of major transmission facilities, mains and lines as determined by the Director of Public Works.

(o) Easements for Public Utilities may be dedicated to and accepted by a Public Utility by certificate on the map.

(p) If any part of a trail corridor is located on the property to be subdivided, the subdivider shall prepare a trail route study to determine the specific location of the trail or pathway within the trail corridor and the type of trail or pathway to be constructed. The trail corridor concept is described in section 6.1 of the Community Trails Master Plan (CTMP). Trail corridors are shown in the individual community trail plans in the CTMP or in the Regional Trails Map in the Public Facilities Element. Trail types are discussed in sections 7.1, 7.2 and 7.3 of the CTMP. The trail route study shall be prepared to the satisfaction of the Director of Parks and Recreation. The route

study shall apply the trail design and locational criteria and design and construction guidelines in the CTMP. The subdivider shall offer to dedicate a trail or pathway easement on the alignment specified in the trail route study if (1) the trail route study as approved by the County concludes that all or part of the trail or pathway should be located in the trail corridor or portion thereof that is on the property to be subdivided; and (2) there is the necessary rough proportionality between the required dedication and the impacts of and/or benefits to the proposed subdivision. The trail or pathway shall be for pedestrians, equestrians and bicycles.

(Amended by Ord. No. 4992 (N.S.), effective 11-10-77; amended by Ord. No. 5141 (N.S.), effective 5-25-78; amended by Ord. No. 5406 (N.S.), effective 6-12-80; amended by Ord. No. 5891 (N.S.), effective 10-30-80; amended by Ord. No. 6017 (N.S.), effective 5-7-81; amended by Ord. No. 6087 (N.S.), effective 7-29-81; amended by Ord. No. 6276 (N.S.), effective 5-27-82; amended by Ord. No. 6438 (N.S.), effective 10-15-82; amended by Ord. No. 6751 (N.S.), effective 5-4-84; amended by Ord. No. 9063 (N.S.), effective 8-13-99; amended by Ord. No. 9701 (N.S.), effective 3-4-05; amended by Ord. No. 9719 (N.S.), effective 6-17-05)

**SEC. 81.704. DEDICATION REQUIREMENTS FOR
HIGHWAYS SHOWN ON CIRCULATION ELEMENT OF
THE SAN DIEGO COUNTY GENERAL PLAN.**

Offers of Dedication for rights-of-way for highways shown as prime arterial, major roads, recreational parking, rural mountain collector road, rural collector, town collector and light collector on the Circulation Element of the San Diego County General Plan shall be required only as follows:

(a) Sufficient right-of-way shall be dedicated to provide 30 feet of right-of-way from the centerline of the highway to the boundary line of each lot or parcel of land included within the parcel map which abuts upon the highway. The right-of-way so dedicated shall be shown on the parcel map.

(b) The definite location of the centerline of every such highway, as such location is established by the Director of Public Works shall be shown on every parcel map.

(c) The full width of every such highway shown on every such parcel map shall be identified by a line drawn at the appropriate location and labeled "limit of proposed street widening." The full width in feet on each side of the centerline of such highway is as follows:

Prime Arterial Road 63

Major Road	51
Recreational Parkway	50
Rural Mountain Road	50
Collector Road	42
Rural Collector Road	42
Town Collector Road	37
Light Collector Road	30

(d) A building line is hereby established on each side of and parallel to the centerline of every highway shown on the Circulation Element of the San Diego County General Plan, except in multiple residence, commercial and manufacturing zones. The distance in feet from the centerline of the highway to the building line shall be as follows:

Prime Arterial Road	83
Major Road	71
Recreational Parkway	70
Rural Mountain Road	70
Collector Road	62
Rural Collector Road	62
Town Collector Road	57
Light Collector Road	50

Whenever any such highway is shown on a parcel map, the building line shall be shown at the appropriate location and labeled "building line." No building or structure of any kind may be constructed or altered on any lot abutting a road which is shown on the Circulation Element of the San Diego County General Plan and no change may be made in the use or occupancy of any such building or structure if any portion of the said building or structure protrudes into the area between the building line and the centerline of the highway.

(e) No building or structure shall be constructed or altered and no change may be made in the use or occupancy of a building within those triangles formed at the intersection of roads which are general

plan highways or of a road which is a general plan highway with any other road by the building lines parallel to such intersecting roads for a distance of seventeen (17) feet from such intersections on each of such lines and a line connecting the points on such lines which are seventeen (17) feet from said intersection. If there is no building line on one such road, the front yard setback line established by The Zoning Ordinance for the zone in which the lot is located shall be used in lieu thereof.

(Amended by Ord. No. 5758 (N.S.), effective 6-12-80; amended by Ord. No. 9063 (N.S.), effective 8-13-99)

SEC. 81.705. DEDICATION PROCEDURE.

Pursuant to Section 66447 of the Government Code, all dedications or offers of dedication required by the provisions of this division, except where a final map is filed, shall be made as follows:

(a) All dedications or offers of dedication within the boundary of the parcel map shall be made by certificate on the map. Said certificate shall be combined with the owner's certificate as described in Section 81.808 of this division. Any such dedication or offer of dedication shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required. The subdivider shall provide the Director of Public Works with a parcel map report including an appropriate plat when the parcel map is submitted per Section 81.705.2 of this ordinance.

(b) All dedications or offers of dedication lying outside the boundary of the parcel map shall be made by separate instrument and shall be recorded prior to filing of the parcel map. Such dedications or offer of dedication shall be signed and acknowledged by the same parties and in the same manner as set forth in Sections 66436, 66439 and 66447 of the Government Code. An irrevocable offer of dedication shall in such terms as to be binding on the owner, his heirs, assigns or successors in interest, and except as provided in subsection (b) of Section 66477.2 of the Government Code, shall continue, until the Board of Supervisors accepts such offer or it is vacated pursuant to the provisions of said Section 66477.2. Any such dedication or offer of dedication shall be free of any burden or encumbrances which would interfere with the purposes for which the dedication or offer of dedication is required. The subdivider shall provide a current preliminary title report including an appropriate plat satisfactory to the Director of Public Works.

(c) Easements for Public Utilities may be dedicated to and accepted by a Public Utility by certificate on the map.

(d) The provisions of paragraph (a) above notwithstanding,

dedications or offers of dedication within the boundary of a parcel may not be made by separate instrument if the Director of Public Works determines that the use of separate instruments is appropriate. In such cases the provisions of paragraph (b) above shall apply.

(e) When no parcel map is required, all dedications or offer of dedication shall comply with the provisions of paragraph (b) above.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 6167 (N.S.), effective 10-22-81)

SEC. 81.705.1. ACCEPTANCE PROCEDURE.

(a) The parcel map shall contain a certificate for execution by the Director of Public Works acting on behalf of the Board of Supervisors stating that the Director of Public Works acting on behalf of said Board of Supervisors has accepted subject to improvement, or rejected, on behalf of the public, any real property offered for dedication as right-of-way for road purposes for public use in conformity with the terms of the offer of dedication.

The certificate may also include the acceptance or rejection by the Director of Public Works of any offer of dedication of real property for any other public purposes which the Board of Supervisors, by resolution, has authorized the Director of Public Works to accept or reject.

(b) Whenever drainage or flowage easements or access to drainage facilities are dedicated to the San Diego County Flood Control District or to the County of San Diego, the parcel map shall contain a certificate for execution by the Director of Public Works stating that the Director of Public Works acting on behalf of said Board of Directors of the San Diego County Flood Control District or on behalf of the Board of Supervisors has accepted on behalf of the Board of Directors of the San Diego County Flood Control District or on behalf of the Board of Supervisors respectively, any real property offered for dedication.

(c) If at the time the parcel map is recorded, any roads, paths, alleys, drainage easements or any other offers of dedications are rejected, the offer of dedication shall remain open and the Board of Supervisors may by resolution at any later date, and without further action by the subdivider, rescind the action and accept and open the roads, paths, alleys, drainage easements or other offers of dedication for public use, which acceptance shall be recorded in the office of the County Recorder, as set forth in Section 66463, 66477.1, 66477.2, 66477.3 of the Government Code.

(Added by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord.

No. 9063 (N.S.), effective 8-13-99)

SEC. 81.705.2. TITLE COMPANY PARCEL MAP REPORT AND GUARANTEE.

To expedite the verification of ownership and survey procedure by the Director of Public Works a parcel map report including an appropriate plat from a qualified title insurance company which shall include all appurtenant access easements shall accompany each parcel map when it is initially submitted for said Director's approval. When said Director is satisfied that the boundary and survey procedure is technically correct as shown on the parcel map and prior to said Director's approval of the parcel map, a parcel map guarantee from a qualified title insurance company which includes a legal description of the property which agrees with the parcel map shall be filed with said Director.

The parcel map guarantee shall insure that the parties named therein are the only parties having any record title interest in the land subdivided and that all record easements upon the property are included therein. Said easements will be shown on the parcel map as directed by the Director of Public Works. Every parcel map submitted to the Director of Public Works shall bear a statement:

PARCEL MAP GUARANTEE FOR THIS

SUBDIVISION FURNISHED

BY _____.

ORDER NO. _____.

The Director of Public Works shall notify the title company furnishing the parcel map guarantee of the date the parcel map will be transmitted to the County Recorder. Such notification shall be made at least 48 hours before said date. A letter from the title company shall be presented to the Director of Public Works stating that according to the records in the office of the County Recorder at the time of filing of the parcel map in said office, the parties consenting to such filing are all of the parties having a record title interest in the land being subdivided whose signatures are required by Division 2 of Title 7 of the Government Code and Division 1 of Title 8 of the San Diego County Code enacted pursuant thereto.

(Added by Ord. No. 6016 (N.S.), effective 5-7-81)

SEC. 81.706. REQUIRED IMPROVEMENTS.

As a condition precedent to the approval of a parcel map for a minor subdivision filed pursuant to the Subdivision Map Act and this

division it shall be required that the subdivider:

(a) Improve or agree to improve in accordance with San Diego County Standards all right-of-way offered for dedication for road purposes which is accepted by the County prior to the approval of the parcel map.

(b) Install or agree to install other improvements and facilities including but not limited to sewer, water, fire protection, schools and flood control services, in accordance with the requirements set forth in Section 81.403 of this division except that:

(1) fire hydrants shall be installed as provided in subsection (c) of this section;

(2) street lighting shall be required as provided in subsection (f) of this section; and

(3) conversion of existing overhead utilities to underground utilities shall not be required where no public road improvements are required; however, new service to on-site buildings shall be installed underground.

(c) Install or agree to install fire hydrants with an adequate water supply at intervals not to exceed the following distances for the size of parcel created in the designated zone, which distance shall be measured along a road which is traversable by mechanized fire fighting apparatus, provided these requirements may be waived or modified by the Director pursuant to Section 81.614 of this division, upon recommendation by the chief of the local fire district, or if there is no local fire district, by the Director of Planning and Land Use.

(1) In zones other than industrial, commercial and multi-family, fire hydrants shall be installed at the following intervals:

(i) Parcels 2-1/2 acres and larger--every 1,000 feet.

(ii) Parcels 1/2 to 2-1/2 acres--every 500 feet.

(iii) Parcels less than 1/2 acre--every 350 feet.

(2) In multi-family zones, and in commercial and industrial zones fire hydrants shall be installed every 300 feet regardless of parcel size.

In commercial and industrial zones, fire hydrants shall have two 2-1/2 inch ports and one 4-inch port with a six inch barrel, and in all other zones fire hydrants shall have one 2-1/2 inch port and one 4-inch port.

(d) Provide proof that the serving public water district will serve each lot or parcel with potable public water or the Director of the Department of Environmental Health certifies that there exists an adequate potable well water supply available to each lot or parcel.

(e) Provide proof satisfactory to the Director of Public Works that there exists an adequate water supply available to each required fire hydrant.

(f) Install or agree to install street lighting pursuant to San Diego County Standards, provided that such street lighting shall only be required for traffic safety as determined by the Director of Public Works.

(g) Provide proof that the serving public sewer district will serve each lot or parcel with public sewer.

(h) Grade and improve, or agree to grade and improve, all land dedicated or to be dedicated for trails or pathways including land previously dedicated for a road which includes sufficient right-of-way for a pathway. Trail improvements shall be made in accordance with the trail standards specified in the section 7, "Design and Construction Guidelines," in the Community Trails Master Plan for the type of trail to be constructed. Pathway improvements shall be made in accordance with standards for pathways in the San Diego County Public Road Standards.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5758 (N.S.), effective 6-12-80; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 6710 (N.S.), effective 2-3-84; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; amended by Ord. No. 8690 (N.S.), effective 7-5-96; amended by Ord. No. 9063 (N.S.), effective 8-13-99; amended by Ord. No. 9701 (N.S.), effective 3-4-05)

SEC. 81.706.1. COMPLETION OF IMPROVEMENTS.

Whenever improvements are required to be constructed as a condition of approval of a parcel map for minor subdivision, requirements for the construction of such improvements shall be noticed by certificate on the parcel map and by recording a Covenant of Improvement Requirements. The Director of the Department of Public Works may require that the subdivider enter into a secured agreement to construct all or part of the required improvements. The construction of such improvements shall be completed prior to subsequent issuance of a permit or other grant of approval for the development of the parcels being created or at a time specified pursuant to an agreement between the subdivider and the Department

of Public Works, acting for the County of San Diego. Any agreement between the subdivider and the Department of Public Works to defer the completion of improvements until after the issuance of a building permit by the Department of Planning and Land Use shall be for road improvements only and shall be accompanied by security as required by Section 81.707 of this Division and right-of-entry agreements where the County has no legal right to enter the property to construct the required improvements. Under the terms of said agreement, the required road improvements must be constructed and approved by the Director of the Department of Public Works prior to the final building inspection approval by the Director of the Department of Planning and Land Use of any dwelling unit constructed or placed on the property. The deferment of road improvements until final building approval as per said agreement shall only be permitted on parcels where building permits are to be issued.

(Added by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6552 (N.S.), effective 4-15-83)

SEC. 81.706.2. EXTENSION OF TIME TO CONSTRUCT REQUIRED IMPROVEMENTS.

Where the subdivider agrees to install the required public improvements pursuant to Section 81.706, above, the agreement shall provide that the public improvements shall be completed within two years following recordation of the map. The time for completion of the public improvements may be extended once, for no more than two additional years, by the Director of the Department of Public Works; provided, however, that the Director may not grant such extensions for completion of the public improvements if the subdivider has previously received a time extension. The Board of Supervisors, however, at the subdivider's request or upon its own motion, may grant additional time extensions, on a case-by-case basis, as it deems appropriate for completion of public improvements.

(Added by Ord. No. 8343 (N.S.), effective 2-5-94; amended by Ord. No. 8393 (N.S.), effective 6-10-94)

SEC. 81.707. AGREEMENT TO IMPROVE.

If, as a condition of approval of a parcel map for a minor subdivision, the subdivider has been required to enter into an agreement to construct or install improvements required under Section 81.706 of this division, the subdivider shall provide a good and sufficient improvement security as prescribed in Subsections (a)(1), (a)(2) or (a)(3) of Section 66499 of the Government Code or an irrevocable standby letter of credit issued by a bank or other financial institution subject to regulation by the State or Federal Government on a form acceptable to County Counsel in the amounts required by

Section 81.406 of this division. Security prescribed in (a)(1) of Government Code Section 66499 above shall only be used when the amount of the security for performance exceeds \$25,000. The subdivider shall prepare and deposit with the Clerk of the Board of Supervisors detailed plans and specifications of the improvements to be constructed and such plans and specifications shall be made a part of any such agreement and of the improvements security. Said agreement and improvement security shall be in a form acceptable to the County Counsel.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5342 (N.S.), effective 2-8-79; amended by Ord. No. 5675 (N.S.), effective 1-17-80; amended by Ord. No. 7353 (N.S.), effective 9-11-87)

SEC. 81.708. EXEMPTION FROM IMPROVEMENTS.

Other provisions of this division to the contrary notwithstanding, the following minor subdivisions shall not be subject to the public improvement or dedication requirements of this chapter except insofar as is necessary to comply with the Subdivision Map Act, including Sections 66426 and 66428 thereof:

- (a) Any parcel or parcels of land subdivided into lots or parcels, each of a gross area of forty (40) acres or more or each of which is a quarter-quarter section or larger.
- (b) The division of land located within the boundaries of an Agricultural Preserve established by the Board of Supervisors and the owner thereof has entered into a Land Conservation Contract with the County, provided the parcels to be created contain a minimum lot area no smaller than specified in said contract.
- (c) The creation of not more than two lots for financing purposes only.
- (d) The leasing of land or buildings for commercial or industrial purposes or vehicles parking areas.

(Amended by Ord. No. 5189 (N.S.), effective 7-20-78)

SEC. 81.709. COVENANT NOT TO OPPOSE A ROAD IMPROVEMENT DISTRICT.

In lieu of constructing or agreeing under Section 81.707 to construct the improvements required by Section 81.706 which are to be located in public easements or rights-of-way, the Director, upon recommendation by the Director of Public Works, may require that the subdivider execute a covenant not to oppose the formation of a road improvement district. The covenant executed under authority

herein may be used to secure future improvements in easements, rights-of-way or irrevocable offers of dedication and may be used when roads serving adjacent properties and/or the area in general are below San Diego County Standards to such a degree that public action, such as assessment district proceedings, would be required in the future in order to improve such roads to San Diego County Standards.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 9063 (N.S.), effective 8-13-99; amended by Ord. No. 9719 (N.S.), effective 6-17-05)

SEC. 81.709.1. COVENANT OF IMPROVEMENT REQUIREMENTS.

In addition to the Certificate of Improvements under Section 81.706.1 as noticed on the parcel map, the subdivider shall execute a Covenant of Improvement Requirements to be filed in the office of the County Recorder. This will give constructive notice of the improvements required and the time of their completion.

(Added by Ord. No. 5023 (N.S.), effective 1-5-78)

SEC. 81.709.2. RELEASE OF IMPROVEMENT REQUIREMENTS.

Upon satisfactory completion of the improvements as noticed on the parcel map by the Certificate of Improvements, a request may be made to have the County file a Release of Improvement Requirements in the office of the County Recorder. The person or persons requesting the Release of Improvement Requirements be filed shall submit such request in writing to the County Department of Public Works along with satisfactory proof that the improvements are completed. The recording of this Release of Improvement Requirements will be constructive notice to any government agency when an application for a development permit or other grant of approval for the development of any of the parcels of a parcel map is made.

(Added by Ord. No. 5023 (N.S.), effective 1-5-78)

SEC. 81.710. WAIVER OF SECURITY FOR ESTIMATED TAXES.

The County waives the requirement to secure the payment of estimated taxes or special assessments, as required by Government Code Section 66493(a) or (b), for parcel maps of four or fewer parcels.

(Repealed by Ord. No. 5023 (N.S.), effective 1-5-78; added by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.711. MONUMENTS AND FLAGGING.

(a) Every parcel map shall show monuments which shall be set by a licensed surveyor or registered civil engineer in accordance with Section 81.404 of this division provided that 2 inch (2") iron pipes at least twenty-four (24") long for exterior boundary monumentation are not required unless the Director of Public Works determines that the exterior boundary cannot be adequately monumented by monuments of a lesser standard, and further provided that monumentation of the exterior boundary of a designated remainder parcel need not be placed or shown on the parcel map if such parcel has a gross area of five acres or more.

(b) A tentative parcel map will not be considered for approval by the Director of Planning and Land Use until the land to be subdivided is flagged in accordance with instructions of the Director of Public Works.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 7204 (N.S.), effective 10-17-86)

SEC. 81.712. LIEN CONTRACT FOR IMPROVEMENTS.

(a) A subdivider of industrial, commercial or multi-family residential property (but not of single-family residential property), may in lieu of posting the security described in Section 81.707, enter into an agreement with the County to construct public improvements in the future securing such performance by granting the County a lien on the property to be subdivided. Such agreements shall be known as "lien contracts". Government Code Section 66499(a)(4) authorizes the County to enter into lien contracts if it is found that it would not be in the public interest to require the installation of the required improvements sooner than two years after the recordation of the map.

(b) Where the appropriate findings have been made pursuant to Government Code Section 66499(a)(4), the subdivider may execute a lien contract with the County at the time the subdivider enters into an agreement with the County to construct required improvements pursuant to Section 81.707. A lien contract may also be used to substitute existing security which was furnished under Section 81.707; provided, however, that use of a lien contract as substitution for existing security shall be at the County's sole option. Notwithstanding any provision of the foregoing to the contrary, however, the County will not accept a lien contract from any subdivider, either at the time of execution of the agreement to construct subdivision improvements, or as a substitute for existing security if any lots have been sold, if permits have been issued on any of the property, or if construction of any of the required improvements has begun.

(c) Lien contracts shall:

(1) Be used only when in the absence of this Section and Section 81.709, a subdivider would be required by Section 81.706 to construct or agree to construct public improvements.

(2) Be used to secure future improvements in easements, rights-of-way, rejected offers of dedication or irrevocable offers of dedication.

(3) Be in a form acceptable to and approved by County Counsel.

(4) Contain an itemization of the required improvements and an estimate of cost approved by the Director of the Department of Public Works, and shall specify that the subdivider's or subsequent owner's obligation extends to the actual cost of construction if such costs exceed the estimate.

(5) Be recorded with the County Recorder and have the priority of a judgement lien as prescribed by Government Code Section 66499 (b).

(6) Be approved concurrently with the approval of the parcel map with a note of the lien contract's existence placed on the map, except where the lien contract is being substituted after parcel map approval for other security already deposited pursuant to Section 81.707, in which case the lien contract shall be signed and acknowledged by all parties having any record title interest in the real property as prescribed by Government Code Section 66436, consenting to the subordination of their interests to the lien contract.

(d) The lien contract shall provide that the subdivider shall substitute acceptable security for the lien contract and commence to construct the improvements required pursuant to Section 81.706(i) within two years following recordation of the map, or (ii) in the case of a lien contract which has been substituted for existing security pursuant to Section 81.712(b), above, within two years following recordation of the lien contract.

(e) For lien contracts executed at the time of recordation of the map, the time for substitution of acceptable security and commencement of construction of the public improvements may be extended once, for no more than two additional years, by the Director of the Department of Public Works. The Director may not grant such extensions if the subdivider has substituted a lien contract for the security originally furnished under Section 81.707. The Board of Supervisors, however, at the subdivider's request or upon its own motion, may grant additional time extensions, on a case-by-case basis, as it deems appropriate, for substitution of acceptable security and commencement of construction of public improvements pursuant to

agreements secured either by (i) lien contracts executed at the time of recordation of the map, or (ii) lien contracts substituted for existing security furnished under Section 81.707.

(f) During the term of the lien contract, legal ownership of the property to be subdivided shall be transferred to a holding company approved by the Director of the Department of Public Works. No individual lots may be sold while the lien contract is in force. Fee title to the entire property encumbered by the lien contract may be sold to a single purchaser provided, that the proposed purchaser of the property must, prior to assuming title to the property, either (i) execute a new lien contract in a form acceptable to the County which will encumber the property to be conveyed, specifying the respective obligations of the owners of property subject to the original and such new lien contract, or (ii) provide acceptable alternative security for the improvements the County requires be constructed as a condition to development of the property conveyed, pursuant to Section 81.707. Any new lien contract must require that acceptable security be substituted therefor, and the public improvements secured thereby commenced by the same date provided in the lien contract with the original owner, unless such date shall be extended by the Board of Supervisors as provided in Section 81.712(d), above.

(g) At the time the Board of Supervisors approves a lien contract, the subdivider shall provide a cash deposit in the amount of \$15,000 to the Clerk of the Board for the purpose of reverting the property to acreage if the subdivider breaches the terms of the lien contract. In addition, at such time as title to any property subject to a lien contract shall be conveyed, the transferee thereof, if such transferee executes a new lien contract to secure construction of the improvements imposed upon such property as described in Section 81.712.1(f), above, shall also provide a cash deposit in the amount of \$15,000 to the Clerk of the Board for the purpose of reverting the property to acreage if the subdivider breaches the terms of the lien contract. The effect of these requirements shall be that each owner of property which is encumbered by a lien contract shall at all times have \$15,000 per lien contract encumbering such owner's property on deposit with the County for the purpose described herein. Any unused portion of any such deposit shall be refunded to the subdivider following completion of such reversion. If the costs of reverting the property to acreage exceed \$15,000, the subdivider shall pay such additional costs to County prior to recordation of the reversion to acreage map.

(h) When a lien contract is utilized as security upon approval of the map, the provisions of Section 81.703 and Section 81.706 to the contrary notwithstanding, offers of dedication for street purposes will not be accepted until the lien contract is released following substitution of acceptable alternative security and the required improvements are completed to the satisfaction of the Director of the Department of Public Works.

(i) The lien contract shall be released upon (i) substitution by the subdivider of acceptable security for the lien contract, under Section 81.707, in order to begin construction of the required improvements, or (ii) recordation of a reversion to acreage map.

(Added by Ord. No. 5342 (N.S.), effective 2-8-79; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; repealed and new Section added by Ord. No. 6224 (N.S.), effective 2-18-82; amended by Ord. No. 8344 (N.S.), effective 2-4-94; amended by Ord. No. 8393 (N.S.), effective 6-10-94; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 8811 (N.S.), effective 6-25-97)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 8. PARCEL MAP REQUIREMENTS**

CHAPTER 8. PARCEL MAP REQUIREMENTS

SEC. 81.801. MAPS TO CONFORM TO REQUIREMENTS OF DIRECTOR AND BOARD OF SUPERVISORS.

All parcel maps shall conform to the requirements of the Subdivision Map Act and this chapter and also shall conform to the requirements specified in the report of the Director approving or conditionally approving the tentative parcel map.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.801.5. [RESERVED.]

(Added by Ord. No. 4544 (N.S.), effective 8-14-75; repealed by Ord. No. 9227 (N.S.), effective 7-21-00)

SEC. 81.802. DIRECTOR OF PUBLIC WORKS TO APPROVE MAPS.

No parcel map shall be filed with the County Recorder until said map has been approved by the Director of Public Works.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.802.5. DIRECTOR OF THE DEPARTMENT OF ENVIRONMENTAL HEALTH RECERTIFICATION.

Where extensive alterations to the design and location of subsurface sewage disposal systems have occurred as a result of map redesign and/or easement requirements, no parcel map shall be approved by the Department of Public Works or filed with the County Recorder until such map has been recertified by the Director of the Department of Environmental Health. Such approval shall be granted provided the installation of a subsurface sewage disposal system for on-site adjoining lots is in accordance with the Septic Tank

Ordinance.

(Added by Ord. No. 5758 (N.S.), effective 6-12-80; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.803. LAND SUBJECT TO INUNDATION.

Lots or portions of lots shown on a parcel map which are subject to inundation as determined by the Director of Public Works shall be identified and so labeled.

SEC. 81.804. CENTER LINES, RIGHT-OF-WAY LINES, PROPOSED ROAD WIDENING LINES AND BUILDING LINES.

If a highway which is identified as a collector highway, a major highway or a prime arterial highway on the Circulation Element of the San Diego County General Plan is shown on a parcel map and a centerline, right-of-way line, proposed road widening line or building line has been established with respect to such highway pursuant to Chapter 5 of Division 1 of Title 5 of the Code (commencing with Section 51.501) or pursuant to Division 5 of Title 7 of this Code (commencing with Section 75.101) or pursuant to any provision of this division, then every such line shall be shown at the appropriate location on the parcel map and clearly labeled so as to identify its function. A deposit shall be determined at this time. The amount of said deposit shall be determined by resolution no less than annually by the Board of Supervisors.

(Amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9063 (N.S.), effective 8-13-99)

SEC. 81.805. PRIVATE ROAD EASEMENTS.

In the event a private road easement for road purposes is required within the boundaries of the land to be subdivided pursuant to this division, said easement shall be delineated and labeled "proposed private road easement" on the parcel map and said easement as delineated shall be conveyed to subsequent purchasers of the parcels created.

(Amended by Ord. No. 6016 (N.S.), effective 5-7-81)

SEC. 81.805.5. NOTICE OF SOLAR ACCESS.

Each parcel map shall notice those parcels having solar access and those not having solar access, as determined in Section 81.401(n) herein.

(Added by Ord. No. 5603 (N.S.), effective 10-25-79)

SEC. 81.806. ADDITIONAL CERTIFICATES ON PARCEL MAPS.

In addition to the certificates and other material required by the Government Code (Subdivision Map Act) and this division, the following certification shall be included in the County Surveyor's Certificate required by Section 66450 of said Government Code:

(a) The map does not appear to be a map of a major subdivision for which a final map is required pursuant to Section 66426 of the Subdivision Map Act.

(b) In case of a minor subdivision, such map conforms to the approved tentative parcel map, or in the case of a parcel map for a major subdivision filed pursuant to Section 81.505 of this division, such map conforms to an approved tentative map.

(c) The engineer's, surveyor's certificate on the parcel map shall contain a statement by the engineer or surveyor responsible for the preparation of the map that all monuments are of the character and occupy the positions indicated. If the setting of the monuments is deferred, the certificate shall contain a statement that they will be set in such positions on or before a specified date. The certificate shall also state that the monuments are, or will be, sufficient to enable the survey to be retraced.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 6552 (N.S.), effective 4-15-83)

SEC. 81.806.5. NONTITLE INFORMATION.

In the event that additional survey and map information as defined and described in Section 81.102.11.5 of this division is required to be placed on a parcel map, such information shall be placed on the map in conformance with the requirements of Section 81.504.5 of this division.

(Added by Ord. No. 7262 (N.S.), effective 2-13-87)

SEC. 81.807. DRAFTING STANDARDS.

The provisions of Section 81.511 of this division shall also apply to all parcel maps.

(Amended by Ord. No. 6016 (N.S.), effective 5-7-81)

SEC. 81.808. OWNERS AND DEDICATION CERTIFICATE.

A certificate, as required by Section 66445(f) of the Government Code signed and acknowledged by certain parties having record title interest in the real property subdivided, consenting to the preparation and recordation of the parcel map is required for parcel maps filed pursuant to this division. When dedications or offers of dedication are to be made on the map, the certificate required by Section 66447 of the Government Code shall be combined with the owner's certificate. Said owner's or combined owner's and dedication certificate shall bear the signatures of all parties owning any record title interest in the land subdivided except those which are omitted pursuant to Sections 66445 (f) and 66447 of the Government Code. The names of any parties who own interests described in Section 66436 of the Government Code and who have not signed the certificate shall be set forth in the owner's certificate together with a description of their respective interests and the reasons why they have not signed the certificate.

However, with respect to a division of land into four or fewer parcels, where dedications or offers of dedications are not required, the owner's certificate may be signed and acknowledged by the subdivider only; provided, however, where a subdivider does not have a record title ownership interest in the property to be divided, the subdivider shall provide the Director of Public Works with satisfactory evidence that the persons with record title ownership have consented to the proposed division as referred to in Section 66445(f) of the Government Code.

(Amended by Ord. No. 6016 (N.S.), effective 5-7-81)

SEC. 81.809. WAIVERS AND MODIFICATIONS ON PARCEL MAPS.

The provisions of Section 81.513 of this division shall also apply to all parcel maps.

(Added by Ord. No. 6277 (N.S.), effective 5-27-82)

SEC. 81.810. DESIGNATED REMAINDER PARCEL STATEMENT.

All parcel maps that include a Designated Remainder Parcel, as defined herein, shall include a statement on the face of said parcel map advising that prior to the sale of said Designated Remainder Parcel a certificate of compliance must be approved by the Department of Planning and Land Use.

(Added by Ord. No. 7204 (N.S.), effective 10-17-86)

SEC. 81.811. COORDINATE TIES ON PARCEL MAPS.

The provisions of Sections 81.506(b) and 81.506(j) shall also apply

to all parcel maps.

(Added by Ord. No. 7695 (N.S.), effective 1-5-90)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 9. ADJUSTMENT PLATS**

CHAPTER 9. ADJUSTMENT PLATS

SEC. 81.901. APPLICABILITY.

Notwithstanding any other provisions of this division to the contrary, the procedure set forth in this chapter shall govern the processing of and requirements for adjustment plats. Any adjustment plat may be filed pursuant to the provisions of this chapter to adjust the boundaries between two or more adjacent parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created; provided the Director determines that the proposed boundary adjustment conforms to the requirements of the Zoning Ordinance and the Building Code, and that the proposed boundary adjustment does not:

(a) Create any new lots.

(b) Include any lots or parcels created illegally, unless said lot or parcel has been approved by the Director, or on appeal, the Board of Supervisors pursuant to Section 81.1103 of this division and a certificate of compliance relative thereto has been filed with the County Recorder.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 7184 (N.S.), effective 9-12-86)

SEC. 81.902. PROCEDURE FOR APPROVAL OF ADJUSTMENT PLAT.

(a) Application. The applicant shall file an application for approval of an adjustment plat with the Director accompanied by information as required by Section 81.604 of this division for a tentative parcel map, a reproducible adjustment plat, and a fee as set forth in Section 81.209 of this division which will not be refundable. The Director may refer copies of such plat to other public agencies for review and comment thereon. The Director may require public notification materials if it is determined that the proposed adjustment plat may

cause a significant impact on adjacent lots or parcels.

(b) Approval. Within 15 calendar days after said application for approval of an adjustment plat has been filed, the Director shall approve, or conditionally approve or disapprove such plat. The applicant shall be notified of the Director's action by written notice. Notice shall be deemed to have been given upon deposit of the notice in the United States mail with postage thereon prepaid.

(c) Certification. If the Director determines that the adjustment plat meets the requirements of this division he shall certify on the adjustment plat that it has been approved pursuant to this division and file it in the office of the Director. A revised adjustment plat shall be submitted for certification when the Director finds that the number or nature of the changes necessary for approval are such that they cannot be shown clearly or simply on the original adjustment plat.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6792 (N.S.), effective 7-13-84; amended by Ord. No. 7184 (N.S.), effective 9-12-86)

SEC. 81.902.1. EVAPOTRANSPIRATION TYPE SYSTEMS.

The Director of the Department of Environmental Health may revoke his approval of an evapotranspiration type system heretofore approved pursuant to Section 81.902(b) when in his judgment such system is not adequate for the proposed lot and its use.

Any adjustment plat not yet accepted for processing which has been approved by the Director of the Department of Environmental Health for an evapotranspiration type sewage disposal system prior to the effective date of this ordinance shall not be accepted for processing but shall be referred to the Director of the Department of Environmental Health for reevaluation of his previous approval.

(Added by Ord. No. 5408 (N.S.), effective 2-20-79; Ord. No. 5416 (N.S.), adopted 2-27-79, effective 3-29-79, supersedes Ord. No. 5408; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.902.2. EXAMINATION FEE -- DEPARTMENT OF ENVIRONMENTAL HEALTH.

At the time of filing a boundary adjustment plat with the Department of Environmental Health for examination, there shall be paid to the Department of Environmental Health an examination fee as set forth in Title 6, Division 5, Section 65.107, par. (d)(14) of this Code.

(Added by Ord. No. 5847 (N.S.), effective 9-11-80; amended by Ord.

No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.902.3. CENTRAL VALLEY AREA IN THE VICINITY OF VALLEY CENTER.

(Added by Ord. No. 5900 (N.S.), effective 11-6-80; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95; repealed by Ord. No. 9060 (N.S.), effective 7-30-99)

SEC. 81.902.4. S. CITRUS AVENUE AREA IN THE VICINITY OF ESCONDIDO.

The Director of the Department of Environmental Health may revoke his approval of a septic tank, settling tank, seepage pit, cesspool, subsurface tile line system or any other subsurface sewage disposal unit within the S. Citrus Avenue area in the vicinity of Escondido, as described in subdivision (b) of Section 81.108.12 of this Code, heretofore approved pursuant to Section 81.902(b), when in his judgment such system is not adequate for the proposed lot and its use, or that development of said lot will increase groundwater elevations in said area to the extent that a health hazard will be created.

Any adjustment plat map not yet accepted for processing which has been approved by the Director of the Department of Environmental Health for a subsurface sewage disposal system in said S. Citrus Avenue area prior to the effective date of this ordinance shall not be accepted for processing but shall be referred to the Director of the Department of Environmental Health for reevaluation of his previous approval.

(Added by Ord. No. 6379 (N.S.), effective 7-29-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.903. [RESERVED.]

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; repealed by Ord. No. 7184 (N.S.), effective 9-12-86)

SEC. 81.904. FAILURE TO FILE REVISED ADJUSTMENT PLAT WITHIN SIX MONTHS TERMINATES PROCEEDINGS.

When required by the Director the failure to file a revised adjustment plat within six months from the date of conditional approval of the original plat shall terminate all proceedings.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.905. APPEAL.

Any person dissatisfied with any action of the Director pursuant to this chapter may appeal to the Planning Commission and any person may appeal to the Board of Supervisors from any action of the Planning Commission. Upon filing an appeal pursuant to this section a fee shall be paid to the Department for each application. The amount of said fee shall be determined no less than annually by the Board of Supervisors in an adopted resolution. The adopted resolution shall carry the full weight and force of this ordinance. Any appeal filed pursuant to this section shall be filed with the Clerk of the respective appeal body within 10 days after the action which is being appealed is taken.

(Added by Ord. No. 6034 (N.S.), effective 5-28-81, operative 7-1-81; amended by Ord. No. 6392 (N.S.), effective 7-13-82; Ord. No. 6392 (N.S.), superseded by Ord. No. 6404 (N.S.), adopted 7-20-82, effective 8-19-82; amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.906. WAIVER OF SECURITY FOR ESTIMATED TAXES.

The County waives the requirement to secure the payment of estimated taxes or special assessments, as required by Government Code Section 66493(a) or (b), for adjustment plats.

(Added by Ord. No. 9227 (N.S.), effective 7-21-00)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 10. BOUNDARY SURVEYS**

CHAPTER 10. BOUNDARY SURVEYS

SEC. 81.1001. BOUNDARY SURVEYS.

When a map is filed with the County Surveyor pursuant only to the requirements of Chapter 15, Division 3 of the Business and Professions Code, the County Surveyor shall immediately check the latest adopted County Assessment roll to verify that the record of survey does not show the division of a unit or of contiguous units into additional parcels. If the record of survey does show such a division, then the County Surveyor shall notify the engineer or surveyor who submitted the record of survey, that to comply with the provisions of Section 8762.5 of the Business and Professions Code, the survey cannot be recorded until documentation is presented which shows that the subdivision complies with the provisions of the Government Code (Subdivision Map Act) and this division. If the land lies in an unincorporated portion of the County and it appears that the provisions of this division or of the Government Code (Subdivision Map Act) may have been violated, said County Surveyor shall report such possible violation to the Director of Planning and Land Use to investigate and enforce the provisions of this division and the Subdivision Map Act.

(Amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6016 (N.S.), effective 5-7-81; amended by Ord. No. 9102 (N.S.), effective 1-17-00)

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 11. MISCELLANEOUS: ENFORCEMENT --
PENALTY -- CERTIFICATE OF COMPLIANCE -- REMAND
OF ACCESS RIGHTS***

CHAPTER 11. MISCELLANEOUS: ENFORCEMENT -- PENALTY -- CERTIFICATE OF COMPLIANCE -- REMAND OF ACCESS RIGHTS*

***Note**--Title amended by Ord. No. 7389 (N.S.), effective 11-6-87.

SEC. 81.1101. ENFORCEMENT.

Whenever the County Assessor or the head of any other County department finds that the provisions of this division or of the Subdivision Map Act have been violated, he shall report such violation to the Director of Public Works and the Director. It shall be the duty of said Director to investigate such report and enforce the provisions of this division and the Subdivision Map Act.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79)

SEC. 81.1102. NOTICE OF VIOLATION.

Whenever the Director has knowledge that real property has been divided, or has resulted from a division, in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto applicable at the time such violation occurred, he/she shall cause to be mailed by certified mail to the then current owner of record of the property a notice of intention to record a notice of violation describing the real property in detail, naming the owners thereof, and describing the violation, and stating that an opportunity

will be given to the owner to present evidence. The notice shall specify a time, date and place at which the owner may present evidence why such notice should not be recorded and also contain a description of the violations and an explanation as to why the subject parcel is not lawful under subdivision (a) or (b) of Government Code Section 66412.6. If after the owner has presented evidence, it is determined that there has been no violation, the Director shall mail a clearance letter to the then current owner. If, however, after the owner has presented evidence, the Director determines that the property has in fact been illegally divided, or if within 15 days from the date of the receipt of the notice the owner fails to inform the Director of an objection to recording the notice of violation, the Director shall record the notice of violation with the County Recorder. The notice of violation, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest to such real property.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6910 (N.S.), effective 2-15-85)

SEC. 81.1103. DEVELOPMENT PERMITS AND APPROVALS WITHHELD.

No building permit, grading permit nor any other permit shall be issued, not any approval granted, that is necessary to develop any real property which has been divided, or which has resulted from a division in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto applicable at the time such division occurred unless the Director, or on appeal, the Board of Supervisors, finds that development of such real property is not contrary to the public health or the public safety. The authority to deny such a permit or such approval shall apply whether the applicant therefor was the owner of record at the time of such violation or whether the applicant therefor is the current owner of record or a vendee of the current owner of record pursuant to a contract of sale of the real property with, or without, actual or constructive knowledge of the violation at the time of the acquisition of his interest in such real property.

Whenever any person submits an application to the Director for a building permit for proposed construction of more than one main building as defined in The Zoning Ordinance on any single lot or building site, the Director shall determine whether such proposed construction would create a subdivision. A building permit for such proposed construction shall not be issued unless the Director has determined that the proposed construction would not constitute a violation of the Subdivision Map act or this division.

Upon receipt of a written notification from the permit issuing authority, or the body authorized to grant approval, that a permit or

approval is being sought to develop real property which has been subdivided, or which has resulted from a division in violation of the Subdivision Map Act or County Ordinances enacted pursuant thereto, or upon receipt of a written request from the owner of such real property, the Director, or on appeal, the Board of Supervisors, shall determine whether such real property is or is not approved for development, and shall so inform the owner thereof and the authority or body which has originated said notification. If it is determined that such real property is approved for development, the Director or the Board of Supervisors, whichever has made such determination, may impose such conditions as would have been applicable to the division of the property at the time the applicant acquired his interest in such real property and are appropriate to satisfy public health and safety considerations and other considerations as are hereinafter specified, and the Director shall cause a Certificate of Compliance or a Conditional Certificate of Compliance relative to the subject real property and reflecting such conditions to be filed with the County Recorder pursuant to Section 81.1104 of this chapter, except that if a Conditional Certificate of Compliance has been filed for record pursuant to said Section 81.1104, only such conditions stipulated in that certificate shall be applicable.

In determining whether approval or conditional approval should be granted for development of real property divided, or resulting from a division, in violation of the Subdivision Map Act or County Ordinances enacted pursuant thereto, the Director or the Board of Supervisors shall give consideration to:

- (a) Whether the owner of the real property can rescind the agreement by which he acquired the real property and recover the consideration paid therefor.
- (b) Whether the real property meets the requirements of the applicable zoning regulations.
- (c) Whether public sewer is committed to the real property as certified by the serving sewer district in compliance with its ordinances and policies, or is approved by the Department of Environmental Health for installation of a sewage disposal system in accordance with Septic Tank Ordinance.
- (d) Whether potable public water is committed to the real property as certified by the serving water district in compliance with its ordinance and policies, or is approved for potable well water supply satisfactory to the Director of the Department of Environmental Health.
- (e) Whether the real property has legal access to a County Maintained road.

(f) Whether the current owner would have been required to dedicate land for any public purpose or construct or install any improvements pursuant to the terms of the Subdivision Map Act or County ordinances enacted pursuant thereto had the subdivision by which said real property was created been submitted for approval at the time the current owner acquired the property.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.1104. CERTIFICATES OF COMPLIANCE.

Any owner of real property or a vendee of such person pursuant to a contract of sale of such real property may request in writing that the Director make a determination whether such real property complies with applicable provisions of the Subdivision Map Act and County ordinances enacted pursuant thereto. Within 50 days after receipt of such written request, the director shall make a determination that such real property complies with the applicable provisions of the Subdivision Map Act and County ordinances enacted pursuant thereto, or that such real property does not comply with said provisions, and shall so notify the owner thereof setting forth the particulars of such compliance or noncompliance.

If the subject real property is found to be in compliance with the Subdivision Map Act and County ordinances enacted pursuant thereto, the Director shall cause a certificate of compliance relative to such real property to be filed for record with the County Recorder.

Certificates of compliance shall be issued only for real property that:

(a) Was divided, or resulted from a division, in compliance with County ordinances regulating the division of real property and the Subdivision Map Act applicable at the time such real property was divided or resulted from such division; or

(b) Substantially conforms to a final division plat approved pursuant to former Chapter 6 of Division 1 of Title 8 (repealed by Ordinance No. 3829 (New Series) on February 1, 1972); or

(c) Has been approved for development pursuant to Section 81.1103 of this chapter. Such certificates of compliance may be granted subject to conditions as specified in said Section 81.1103. No permit or other approval necessary to develop said real property shall be issued or granted until such conditions have been fulfilled and implemented; or

(d) Has been approved for division and the requirement for preparing, filing and recording a parcel map has been waived pursuant to Section 81.616 of this division; or

(e) Prior to January 5, 1978 merged with contiguous parcels or units of land and the merger recognized when the County approved a boundary adjustment or a division of land plat or issued a certificate of compliance for such real property. Such certificates of compliance must not be issued unless such merged real property is entitled to be unmerged pursuant to the provisions of Section 81.118(b) of this division; or

(f) Has been approved as a condominium project on a single parcel and the requirement for a tentative subdivision map and the preparation, filing and recording of a final map has been waived pursuant to Section 81.616.1 of this division; or

(g) Is being merged without reverting to acreage pursuant to Section 66599.203/4 of the Map Act. This merger of parcels and recordation of a Certificate of Compliance does not alter or remove any offers of dedication, accepted or rejected, open space easements, covenants, or agreements entered into as the result of a condition of recording a Parcel Map, Final Map, or Certificate of Compliance.

A recorded final subdivision map or recorded parcel map shall constitute a certificate of compliance with respect to the lots described therein and no additional certificates of compliance shall be issued therefor.

(Amended by Ord. No. 5023 (N.S.), effective 1-5-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5835 (N.S.), effective 8-28-80; amended by Ord. No. 6575 (N.S.), effective 6-3-83; amended by Ord. No. 6911 (N.S.), effective 2-15-85)

SEC. 81.1104.1. MODIFICATIONS OR WAIVERS OF CONDITIONS ON CERTIFICATES OF COMPLIANCE.

The conditions required on a certificate of compliance granted pursuant to Section 81.1104(c) or (d) may be modified or waived under those provisions stipulated in Section 81.513 of this division only by a certificate of correction, provided, however, the Director of Public Works may approve modifications or waivers without public hearing in those cases where the conditions were approved by the Director of the Department of Planning and Land Use pursuant to Section 81.612.

(Added by Ord. No. 8393 (N.S.), effective 6-10-94)

SEC. 81.1105. CERTIFICATE OF COMPLIANCE FEES.

At the time of filing any request, pursuant to this division intended to result in the issuance of a certificate of compliance, there shall be paid to the Director of Public Works a fee to cover the cost of the recording of any certificate of compliance resulting therefrom. Said fee shall be non-refundable. The amount of said fee shall be prescribed by the Board of Supervisors.

(Amended by Ord. No. 5228 (N.S.), effective 9-21-78; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 6715 (N.S.), effective 2-17-84; amended by Ord. No. 7986 (N.S.), effective 11-7-91; amended by Ord. No. 9290 (N.S.), effective 2-11-01)

SEC. 81.1105.1. DEPARTMENT OF ENVIRONMENTAL HEALTH EXAMINATION FEE.

At the time of filing a Certificate of Compliance application for examination of an installation for a sewage disposal system in accordance with the Septic Tank Ordinance, with the Department of Environmental Health, there shall be paid to the Department of Environmental Health an examination fee of as set forth in Title 6, Division 5, Section 65.107, par. (w), of this Code.

(Amended by Ord. No. 5963 (N.S.), effective 2-5-81; amended by Ord. No. 6378 (N.S.), effective 7-29-82; amended by Ord. No. 8477 (N.S.), adopted 11-8-94, operative 1-1-95)

SEC. 81.1106. APPEAL.

Any person dissatisfied with any action of the Director pursuant to this chapter may appeal to the Planning Commission and any person may appeal to the Board of Supervisors from any action of the Planning Commission. Upon filing any appeal pursuant to this section a fee shall be paid to the Department for each application. The appeal fee shall be determined no less than annually by the Board of Supervisors in an adopted resolution. The adopted resolution shall carry the full weight and force of this ordinance. Any appeal filed pursuant to this section shall be filed with the clerk of the respective body within 10 days after the action which is being appealed is taken.

(Amended by Ord. No. 4799 (N.S.), effective 1-13-77; amended by Ord. No. 5406 (N.S.), effective 3-22-79, operative 3-23-79; amended by Ord. No. 5819 (N.S.), effective 7-31-80; amended by Ord. No. 6392 (N.S.), effective 7-13-82; Ord. No. 6392 (N.S.), superseded by Ord. No. 6404 (N.S.), adopted 7-20-82, effective 8-19-82; amended by Ord. No. 6508 (N.S.), operative 3-1-83; amended by Ord. No. 8426 (N.S.), effective 8-19-94; amended by Ord. No. 9675 (N.S.), effective 10-22-04)

SEC. 81.1106.5. INFORMATION TO BE SUPPLIED BY

APPLICANT.

An appeal filed pursuant to Section 81.1106 shall be accompanied by a written statement disclosing the following information:

(a) The names of all persons having an interest in the application as well as the names of all persons having any ownership interest in the property involved.

(b) If any person identified pursuant to paragraph (a) above is a corporation or partnership, the names of all persons owning more than 10% of the shares in the corporation or owning any partnership interest in the partnership.

(c) If any person identified pursuant to paragraph (a) above is a non-profit organization or a trust the names of any person serving as director of the non-profit organization or as trustee or beneficiary or trustor of the trust.

(Added by Ord. No. 4544 (N.S.), effective 8-14-75)

SEC. 81.1107. DEEDS, ETC., VOIDABLE.

Any deed of conveyance, sale or contract to sell real property which has been divided, or which has resulted from a division in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto is voidable at the sole option of the grantee, buyer, or person contracting to purchase, his heirs, personal representative or trustee in insolvency or bankruptcy within one year after the date of discovery of such violation, but the deed of conveyance, sale or contract to sell is binding upon any successor in interest of the grantee, buyer or person contracting to purchase, other than those above enumerated, and upon the grantor, vendor or person contracting to sell, or his assignee, heir or devisee.

Any grantee, or his successor in interest, or real property which has been divided, or which has resulted from a division, in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto, may, within one year of the date of discovery of such violation, bring an action in the superior court to recover any damages he has suffered by reason of such division of property. The action may be brought against the person who divided the property in violation of the provisions of the Subdivision Map Act or County Ordinances enacted pursuant thereto and against any successors in interest who have actual or constructive knowledge of such division of property.

The provisions of this section shall not apply to the conveyance of any parcel of real property identified in a certificate of compliance filed pursuant to this division or identified in a recorded final

subdivision map or parcel map from and after the date of recording.

The provisions of this section shall not limit or affect in any way the rights of a grantee or his successor in interest under any other provision of law.

SEC. 81.1108. [RESERVED.]

(Repealed by Ord. No. 5200 (N.S.), effective 8-10-78)

SEC. 81.1109. APPLICATION TO REMAND RELINQUISHED ACCESS RIGHTS.

Access rights to a public street or streets that were relinquished through the recordation of a Final Map or Parcel Map may be remanded to the property upon approval by the Director of Public Works or, upon appeal, by the Board of Supervisors, in compliance with the procedures and requirements established in this section.

(a) Procedures:

(1) The application shall be filed with the Director of Public Works within 2 working days after an application has been filed, and the Director of Public Works shall transmit to the Department of Planning and Land Use a copy of the application. Within 20 days after receipt the Department of Planning and Land Use shall forward its recommendation to the Director of Public Works.

(2) The Director of Public Works shall make a preliminary decision to approve, conditionally approve or disapprove the application within 45 days after the application is filed. Before making the final decision, the Director shall hold a public hearing to consider the application and shall give notice of the public hearing in the manner prescribed by Government Code Section 66451.3. The notices shall be deposited in the United States mail not less than fifteen (15) days before the public hearing and shall include the preliminary decision.

(b) Findings Required: Before any requests for the remand of access rights may be approved or conditionally approved, it shall be found:

(1) That the proposed remand would not create an unreasonable danger to pedestrian and/or vehicular traffic, and

(2) That access to the public street could be physically obtained in a manner consistent with applicable ordinances, policies and standards, and

(3) That the proposed remand would not adversely affect

adjacent uses, and

(4) That the existing relinquishment of access does not serve any planning purpose that would be endangered by the proposed remand.

(c) Appeal. The Director's decision may be appealed to the Board of Supervisors by the applicant, a County officer or any person who opposed the decision either in writing or in person at the public hearing. The appeal must be filed with the Director of Public Works within ten (10) days of the date the Director made the final decision.

(d) Fees and Deposits. Applications shall be accompanied by:

(1) A fee to cover costs of review by the Department of Planning and Land Use in an amount established by the Board of Supervisors in that Department's approved fee schedule; and

(2) An initial deposit to cover costs of review and processing by the Director of Public Works. The amount of said initial deposit shall be established by resolution adopted by the Board of Supervisors. If actual costs of Public Works review are less than the deposit, the balances shall be refunded. If the deposit is insufficient to cover such costs, the applicant shall increase the deposit in an amount deemed sufficient by the Director of Public Works to complete review and until such additional deposit is made, no further processing shall be done. The person appealing a decision pursuant to subdivision (c) above shall pay to the Director of Public Works an appeal fee, the amount of which shall be established by resolution of the Board of Supervisors.

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 12. VESTING TENTATIVE MAPS***

CHAPTER 12. VESTING TENTATIVE MAPS*

***Note--**Chapter 12, commencing with Section 81.1201, and titled Vesting Tentative Maps, added by Ord. No. 7084 (N.S.), effective 2-28-86.

SEC. 81.1201. CITATION AND AUTHORITY.

This chapter is enacted pursuant to the authority granted by Chapter 4.5 (commencing with Section 66498.1) of Division 2 of Title 7 of the Government Code of the State of California (hereinafter referred to as the Vesting Tentative Map Statute), and may be cited as the Vesting Tentative Map Chapter.

SEC. 81.1202. PURPOSE AND INTENT.

It is the purpose of this chapter to establish procedures necessary for the implementation of the Vesting Tentative Map Statute, and to supplement the provisions of the Subdivision Map Act and the Subdivision Ordinance. Except as otherwise set forth in the provisions of this chapter, the provisions of the Subdivision Ordinance shall apply to vesting tentative maps.

To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development.

SEC. 81.1203. CONSISTENCY.

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the San Diego County General Plan and any applicable specific plan or not permitted by The Zoning Ordinance or other applicable provisions of the County Code.

SEC. 81.1204. DEFINITIONS.

(a) "Vesting tentative map" shall mean a "tentative map" or "tentative parcel map" for a residential subdivision, as defined in the Subdivision Ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with Section 81.1206, and is thereafter processed in accordance with the provisions hereof.

(b) All other definitions set forth in the Subdivision Ordinance are applicable.

Cross reference(s)--Definitions, § 12.101 et seq.

SEC. 81.1205. APPLICATION.

(a) This ordinance shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by the Subdivision Ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed in accordance with the provisions hereof.

(b) If a subdivider does not seek the rights conferred by the Vesting Tentative Map Statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

SEC. 81.1206. FILING AND PROCESSING.

A Vesting Tentative Map shall be filed in the same form and have the same contents, accompanying data and report and shall be processed in the same manner as set forth in the Subdivision Ordinance for a Tentative Map except as hereinafter provided:

(a) At the time a Vesting Tentative Map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map."

(b) At the time a Vesting Tentative Map is filed a subdivider shall also file a complete Site Plan showing all building and structure locations, and proposed land uses, intended to be vested on the lots to be created by filing a Final Map or Parcel Map. Such Site Plan shall be of suitable scale and sufficient detail to determine that the proposed development conforms to existing ordinances, policies and standards and shall show the following:

(1) Lot dimensions.

(2) Building and structure location (building envelopes), height and stories, proposed use, and number of dwelling units.

(3) Access: pedestrian and vehicular.

(4) Drainage: natural drainage and any proposed drainage systems.

(c) The Site Plan required by paragraph (b) may also, but is not required to, show the following:

(1) Walls and fences: location and height.

(2) Off-street parking: location, number of spaces and dimensions.

(3) Signs: location, size and height (if discretionary approval is required).

(4) Landscaping: any landscaping which requires discretionary approval.

(Amended by Ord. No. 8690 (N.S.), effective 7-5-96)

SEC. 81.1207. FEES.

Upon filing a vesting tentative map, the subdivider shall pay the fees required by the Subdivision Ordinance for the filing and processing of said tentative map or tentative parcel map and any fees required by The Zoning Ordinance for processing the related site plan.

SEC. 81.1208. EXPIRATION.

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the Subdivision Ordinance for the expiration of the approval or conditional approval of a tentative map. The related site plan shall expire concurrently with expiration of the vesting tentative map.

SEC. 81.1209. VESTING ON APPROVAL OF VESTING TENTATIVE MAP.

(a) The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards described in Government Code Section 66474.2; provided, however, that this vested right applies only in conjunction with site plans approved with the approval of the vesting tentative map. No development right shall be vested other than that specifically provided in the approved development plans. No vesting tentative map may be approved unless applicable site plans are approved or conditionally approved.

However, if Section 66474.2 of the Government Code is repealed, the approval or conditional approval of a Vesting Tentative Map shall confer a vested right to proceed with development in substantial conformance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditionally approved.

(b) Notwithstanding subdivision (a), a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

(1) A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

(2) The condition or denial is required, in order to comply with State or Federal law.

(c) The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section 81.1208. If the final map is approved, these rights shall last for the following periods of time:

(1) An initial time period of 24 months. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

(2) The initial time period set forth in (c)(1) shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds 30 days, from the date a complete application is filed.

(3) A subdivider may apply for a one-year extension at any time before the initial time period set forth in (c)(1) expires. If the extension is denied, the subdivider may appeal that denial as provided in the Subdivision Ordinance within 15 days.

(4) If the subdivider submits a complete application for a building permit during the periods of time specified in subdivisions (1)–(3), the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

SEC. 81.1210. DEVELOPMENT INCONSISTENT WITH ZONING -- CONDITIONAL APPROVAL.

(a) Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with The Zoning Ordinance in existence at that time, that inconsistency shall be

noted on the map. The County may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in The Zoning Ordinance to eliminate the inconsistency. If the change in The Zoning Ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding Section 81.1209(a), confer the vested right to proceed with the development in substantial compliance with the change in The Zoning Ordinance and the map, as approved.

(b) The rights conferred by this section shall be for the time periods set forth in Section 81.1209(c).

SEC. 81.1211. APPLICATIONS INCONSISTENT WITH CURRENT POLICIES.

Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in Section 81.1209(a) and 81.1210, the County may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law.

SEC. 81.1212. APPLICABILITY.

This chapter shall apply to any application for a vesting tentative map filed after January 1, 1986.

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS***DIVISION 1. SUBDIVISION OF LAND****CHAPTER 13. PUBLIC BENEFIT AGREEMENTS***

CHAPTER 13. PUBLIC BENEFIT AGREEMENTS*

***Note--**Chapter 13, commencing with Section 81.1301, DEVELOPMENT AGREEMENTS, added by Ord. No. 7385 (N.S.), effective 10-30-87. Chapter 13, including title, amended by Ord. No. 7541 (N.S.), effective 11-4-88.

SEC. 81.1301. INTENT AND AUTHORITY.

The purpose of this Chapter is to provide procedures and requirements for the consideration of public benefit agreements under the authority of the Government Code, Section 65864 through 65869.5. It is the intent that public benefit agreements promote and facilitate orderly and planned growth and development through the provision of certainty in the development approval process by the County and through commensurate assurances by the applicant that clear benefits will accrue to the public that would not be obtainable through other applicable development approval processes.

SEC. 81.1302. THRESHOLD PROCEDURE.

Prior to the submittal of an application for a public benefit agreement, a threshold decision authorizing the filing of an application for such agreement shall be obtained for all projects subject to this Chapter with the exception of those identified in subparagraph "j" below. The procedure for obtaining a threshold decision is as follows:

a. A proposal for a threshold decision shall be submitted to the Director and shall include explanatory text, plans, maps and such other documentation as the potential applicant elects to submit, together with the required fee. The Director may request such additional material as deemed necessary to make a recommendation.

b. Upon acceptance of the proposal, the Director shall review the submittal and prepare a preliminary written report and

recommendation. The report shall include:

- (1) A description of the project;
 - (2) Whether or not clear potential benefits would be likely to accrue to the public that would not be attainable through other applicable development approval processes; and
 - (3) A preliminary determination of whether or not the County should proceed to enter into the public benefit agreement negotiation process, with reasons therefor.
- c. Review period. The preliminary report and preliminary recommendation shall be submitted to the applicable Subregional, Sponsor or Community Plan Group and to those public agencies that may be affected by the proposal for comment.
 - d. Following the review period, the Director shall make a recommendation on whether the proposal should be accepted for the purpose of filing an application for a public benefit agreement.
 - e. The Director shall make the recommendation available to the initiator of the proposal and to applicable planning or sponsor groups.
 - f. The Director shall submit the recommendation to the Planning Commission. The Commission, after considering the merits of the application, shall submit its recommendation to the Board of Supervisors.
 - g. The Board of Supervisors, after considering the merits of the application, shall authorize the filing of an application for a public benefit agreement for the proposal or direct staff to terminate proceedings.
 - h. A determination to authorize the filing of an application for a public benefit agreement does not commit the County to approve the subsequent public benefit agreement.
 - i. The fee for filing and processing a proposal for a threshold decision for a public benefit agreement shall be as set forth by ordinance. The fee provides for full cost recovery including public hearings and appeals.
 - j. Exempt from this threshold procedure is any specific plan which was adopted or amended within five years of the filing of an application for a public benefit agreement pursuant to Section 81.1303.

SEC. 81.1303. APPLICATION; CONTENTS THEREOF.

The Director shall provide the form for the application required under these regulations for preparation of the public benefit agreement. The application shall contain, but not be limited to, the information and documentation hereinafter specified:

- a. The name and address of the applicant and of all persons having a legal or equitable interest in all or part of the property proposed to be used.
- b. Evidence that the applicant:
 - (1) Has a legal or equitable interest in the property involved;
or
 - (2) Has written authorization from a person having a legal or equitable interest to make such application.
- c. Legal description and a listing of the Assessor's parcel numbers of the property, including a statement of total area of the property concerned.
- d. The form of public benefit agreement proposed by the applicant.
- e. All explanatory text, plans, maps, drawings, pictures and such other documentation as may be required by the Director to evaluate the proposal.
- f. Designation of an agent representing the legal ownership of all property proposed to be subject to the public benefit agreement.

The Director may waive the filing of one or more of the above items where the same information required is filed with a specific plan application to be concurrently considered.

(Amended by Ord. No. 9075 (N.S.), effective 9-10-99)

SEC. 81.1304. PUBLIC BENEFIT AGREEMENT DEPOSIT.

The filing of an application for a public benefit agreement shall be accompanied by the payment of a public benefit agreement examination deposit. This deposit shall be in addition to and not in substitution for any other required fees or deposits for actions, whether considered concurrently with or subsequent to the application for the public benefit agreement.

The deposit shall be a sum estimated to be sufficient to cover the actual costs of reviewing, investigating, making recommendations, and processing the public benefit agreement. If the actual costs are

less than the amount deposited, the Director shall authorize a refund to the applicant of any amount remaining in said deposit. If any deposit is insufficient to pay all the actual costs of reviewing, investigating and making recommendations, the applicant, upon demand of the Director, shall pay an amount deemed sufficient by the Director to complete the work in process. If the applicant fails or refuses to pay such amount upon demand, the County may recover the same by action in any court of competent jurisdiction. Until such amount is paid in full, the public benefit agreement shall not be submitted to the Board of Supervisors for approval.

SEC. 81.1305. ADDITIONAL PUBLIC BENEFIT AGREEMENT DEPOSITS.

A deposit shall accompany all applications for amendments to public benefits agreements and periodic progress review.

SEC. 81.1306. TERMS, CONDITIONS, RESTRICTIONS AND REQUIREMENTS.

Every development agreement entered into by the Board of Supervisors shall include the following terms, conditions, restrictions and requirements:

- a. The duration of the agreement, including a specified termination date, if appropriate;
- b. The uses to be permitted on the property;
- c. The density or intensity of uses to be permitted;
- d. Maximum height, size of buildings to be permitted;
- e. The reservation or dedications of land to be made for public purposes;
- f. Rules, regulations, policies and detailed design of physical improvements, governing property development standards, and public improvement standards;
- g. An established time schedule for periodic review as required by Sec. 81.1313;
- h. An agent representing the legal ownership for all property subject to the development agreement; and
- i. The applicant shall: (1) defend, indemnify and hold harmless the County, its agents, officers and employees from any claim, action or proceeding against the County, its agents, officers or employees to

attack, set aside, void or annul the decision to enter into the Public Benefit Agreement or any of the proceedings, acts or determinations taken, done or made prior to such decision; and (2) reimburse the County, its agents, officers or employees for any court costs and attorney's fees which the County, its agents, officers or employees may be required by a court to pay as a result of such approval. At its sole discretion, the County may participate at its own expense in the defense of any such action, but such participation shall not relieve the applicant of any obligation imposed by this condition. The County shall notify the applicant promptly of any claim or action and cooperate fully in the defense.

(Amended by Ord. No. 7782 (N.S.), effective 8-24-90)

SEC. 81.1307. OTHER TERMS, CONDITIONS, RESTRICTIONS AND REQUIREMENTS.

A public benefit agreement may also include additional terms, conditions, restrictions and requirements for subsequent discretionary actions in addition to those provided in Section 81.1306, provided that such terms, conditions, restrictions and requirements do not prevent development of the land included in such agreement for the uses and to the density or intensity of development set forth in the agreement, and may include but not be limited to:

- a. The requirement of development schedules, providing that construction of the proposed development as a total project or in phases be initiated or completed within specified time periods;
- b. The construction of public facilities required in conjunction with such development, including but not limited to vehicular and pedestrian right-of-way, drainage and flood control facilities, parks and other recreational facilities, and sewers and sewage treatment facilities;
- c. The prohibition of one or more uses listed as being permitted in the applicable use regulations;
- d. Limitations on future development or requirements of specified conditions under which further development not included in the agreement may occur;
- e. The requirement of a faithful performance bond or other security where deemed necessary in an amount deemed sufficient to guarantee the faithful performance of specified terms, conditions, restrictions and/or requirements of the agreement;
- f. The requirements of specified design criteria for the exteriors of buildings and other structures, including signs;

g. The requirement of special yards, open spaces, buffer areas, fences and walls, landscaping and parking facilities, including vehicular and pedestrian ingress and egress, and variance procedures to be used if allowed;

h. The regulation of nuisance factors such as noise, vibration, smoke, dust, dirt, odors, gases, garbage, heat and the prevention of glare or direct illumination of adjacent properties; and

i. The regulation of operating hours and other characteristics of operation adversely affecting normal neighborhood schedules and functions on surrounding property.

SEC. 81.1308. REVIEW OF APPLICATION.

The Director shall review the application for completeness, shall determine any additional requirements necessary, and may reject any application that does not present complete documentation as required. Upon receipt of a complete and acceptable application, it shall be accepted for processing and the Director shall prepare a staff report and recommendation.

SEC. 81.1309. PLANNING COMMISSION; NOTICE OF HEARING.

a. The Director shall set a date for a public hearing before the Planning Commission and give notice of the time, place, and purpose of such hearing as provided in Government Code Sections 65090 and 65091, in addition to such other notice as may be required by law for other actions to be considered concurrently with the public benefit agreement.

b. Failure to receive notice on the part of any person entitled to receive notice as required by law does not affect the authority of the County to enter into a public benefit agreement.

SEC. 81.1310. PLANNING COMMISSION RECOMMENDATION.

At the conclusion of the public hearing, the Planning Commission shall make a report and recommendation to the Board of Supervisors, as follows:

- a. That the public benefit agreement be adopted as proposed; or
- b. That the public benefit agreement be adopted with modifications, as proposed by the Planning Commission;
- c. That the public benefit agreement be denied; or

d. Any action taken by the Planning Commission shall be by resolution and shall include written determinations specifying the facts and information relied upon by the Commission in rendering its decision and recommendation. The Planning Commission shall not recommend approval of a public benefit agreement unless the following determinations can be made:

(1) That the proposal is consistent with the objectives; policies, general land uses and programs specified in the General Plan and any applicable specific plan;

(2) That the proposal is compatible with the uses authorized in, and the regulations prescribed for, the use regulation of the area in which the real property is located;

(3) That the proposal will not be detrimental to the health, safety and general welfare of the public;

(4) That the proposal is in the public interest and accrues a clear public benefit not usually obtained through the land development approval process without a public benefit agreement.

A copy of the resolution shall be filed with the Clerk of the Board of Supervisors and with the Director.

SEC. 81.1311. FAILURE OF THE PLANNING COMMISSION TO APPROVE.

If the Planning Commission fails to recommend approval of the requested public benefit agreement, no further action shall be taken on the application unless, within ten days of the hearing on the matter by the Planning Commission, the applicant files with the Clerk of the Board of Supervisors a request for consideration of the matter by the Board of Supervisors. If such a request is filed, the item shall be placed on the Board's agenda for a public hearing.

SEC. 81.1312. BOARD OF SUPERVISORS HEARING.

a. Upon receipt of the notice of action by the Planning Commission or request for public hearing by the applicant, the Clerk of the Board of Supervisors shall thereupon set the matter for a public hearing before the Board, giving notice of the time, place and purpose of such hearing in the same manner and under the same terms as provided in Section 81.1309 above.

b. The Board of Supervisors shall consider the proposed public benefit agreement at the public hearing on the date set for the hearing or on the date or dates to which such hearing may be continued from time to time by the Board. The Board may:

- (1) Approve the public benefit agreement as recommended by the Planning Commission;
- (2) Approve the public benefit agreement with modifications;
- (3) Approve the public benefit agreement in whole or in part, and take such further action as it deems to be in the public interest; or
- (4) Deny the public benefit agreement.

The Board, in approving a public benefit agreement, shall also make the determinations as specified in Section 81.1310d.

c. Approval by the Board of such agreement shall be by ordinance. After the ordinance approving the public benefit agreement takes effect, the County may execute the agreement with the applicant.

d. Within ten days following denial of a public benefit agreement, the Clerk of the Board shall give notice of such action to the applicant at the address shown on the application and to the Planning Commission through the Director.

e. Within ten days following complete execution of a public benefit agreement, the Clerk of the Board of Supervisors shall record with the County Recorder a fully executed copy of the public benefit agreement and ordinance, which shall include a legal description of the land subject thereto. The agreement shall be binding upon, and the benefits of the agreement shall inure to, the parties and all successors in interest to the parties to the agreement.

SEC. 81.1313. COORDINATION OF PUBLIC BENEFIT AGREEMENT APPLICATIONS WITH SPECIFIC PLAN APPLICATIONS.

If an application for a specific plan or specific plan amendment is filed for the property or a portion of the property for which an application for a public benefit agreement has been filed, those applications may be processed concurrently except that the public benefit agreement application shall not be submitted to the Planning Commission or the Board of Supervisors for consideration until after final action has been taken by the Board of Supervisors on the specific plan or specific plan amendment application.

(Amended by Ord. No. 7610 (N.S.), effective 5-3-89)

SEC. 81.1314. [DEFINITION.]

Wherever used in this Chapter, "Public Benefit Agreement" shall have the same legal meaning as the term "Development Agreement", as that term is used in Government Code Section 65864 et seq.

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San Diego County Code of Regulatory Ordinances

TITLE 8 ZONING AND LAND USE REGULATIONS*

DIVISION 1. SUBDIVISION OF LAND

CHAPTER 14. [ENVIRONMENTAL SUBDIVISION]

CHAPTER 14.

[ENVIRONMENTAL SUBDIVISION]

SEC. 81.1400. [ENVIRONMENTAL SUBDIVISION.]

(a) "Environmental subdivision" means a subdivision of land pursuant to this division for biotic and wildlife purposes that meets all of the findings specified in subdivision (b).

(b) Prior to approving or conditionally approving an environmental subdivision, the Director shall find each of the following:

(1) That factual biotic or wildlife data, or both, are or will be available to the local agency approving the environmental subdivision to support the application for approval.

(2) That provisions have been made for the perpetual maintenance of the property as a biotic or wildlife habitat, or both, in accordance with the conditions specified by any local, state, or federal agency.

(3) That an easement will be recorded in the county to ensure compliance with the conditions specified by any local, state, or federal agency. The easement shall contain a covenant with a county, city, or nonprofit organization running with the land in perpetuity, that the landowner shall not construct or permit the construction of improvements except those for which the right is expressly reserved in the instrument. This reservation shall be not inconsistent with the purposes of this section and shall not be incompatible with maintaining and preserving the biotic or wildlife character, or both, of the land.

(4) The real property is at least 20 acres in size, or it is less than 20 acres in size but is contiguous to other land that would also qualify as an environmental subdivision and the total combined acreage would be 20 acres or more.

(5) The environmental subdivision is consistent with the General Plan.

(c) Notwithstanding subdivision (a) of Government Code Section 66411.1, any improvement, dedication, or design required by the Director, or any other local agency, as a condition of approval of an environmental subdivision shall be solely for the purposes of ensuring compliance with the conditions required by the local, state, or federal agency.

(d) After recordation of an environmental subdivision, a subdivider may only abandon an environmental subdivision by reversion to acreage pursuant to Article 1 of Chapter 6 of Division 2 (commencing with Section 66499.11) of the Government Code if the local agency finds that all of the following conditions exist:

(1) None of the parcels created by the environmental subdivision has been sold or exchanged.

(2) None of the parcels is being used, set aside, or required for mitigation purposes pursuant to this section.

(3) Upon abandonment and reversion to acreage pursuant to this subdivision, the easement for biotic and wildlife purposes is extinguished.

(e) If the environmental subdivision is abandoned and reverts to acreage pursuant to subdivision (d), all local, state, and federal requirements shall apply. Fees shall not be waived for reversions to acreage.

(f) This section shall apply only upon the written request of the landowner at the time the land is divided. This section is not intended to limit or preclude subdivision by other lawful means for the mitigation of impacts to the environment, or of the land devoted to these purposes, or to require the division of land for these purposes.

(g) Notwithstanding any other provision of law, no legislative body shall approve or conditionally approve a subdivision pursuant to this section on or after January 1, 2003, unless authorized pursuant to Government Code Section 66418.2.

(Added by Ord. No. 9428 (N.S.), effective 2-15-02)

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